2–1–00
Vol. 65 No. 21
Pages 4753–4864

Tuesday
Feb. 1, 2000

Federal Register

The **FEDERAL REGISTER** is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see http://www.nara.gov/fedreg.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at http://www.access.gpo.gov/nara. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to swais.access.gpo.gov, or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type swais, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at gpoaccess@gpo.gov; by fax at (202) 512–1262; or call (202) 512–1530 or 1–888–293–6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is $555, or $607 for a combined **Federal Register,** Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $220. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $8.00 for each issue, or $8.00 for each group of pages as actually bound; or $1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 65 FR 12345.

Printed on recycled paper.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**512–1806**

General online information **202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**512–1800**
Assistance with public single copies	**512–1803**

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	**523–5243**
Assistance with Federal agency subscriptions	**523–5243**

Contents

Federal Register

Vol. 65, No. 21

Tuesday, Februrary 1, 2000

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 65, No. 21
Tuesday, February 1, 2000

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 581 and 582

RIN 3206–AI91

Processing Garnishment Orders for Child Support and/or Alimony and Commercial Garnishment of Federal Employees' Pay

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is amending the list of designated agents to accept legal process for child support and alimony, and list of designated agents to accept commercial garnishment orders.

EFFECTIVE DATE: March 2, 2000.

FOR FURTHER INFORMATION CONTACT: Murray M. Meeker, Senior Attorney, Office of the General Counsel, (202) 606–1700.

SUPPLEMENTARY INFORMATION: On October 22, 1998 (63 FR 56537), OPM corrected errors that appeared in the list of agents designated to accept legal process for child support and alimony (Appendix A to Part 581) that were published on March 26, 1998 (63 FR 14756). This document makes additional amendments to the designated agent listings in this appendix. In addition, at the request of the Defense Finance and Accounting Service, OPM is amending the list of designated agents in Appendix A to 5 CFR Part 582 to remove the listing for the Army Corps of Engineers.

Waiver of General Notice of Proposed Rulemaking

Under section 553(b)(3)(B) of title 5, United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking. As provided under section 553(b)(3)(B), general notice may be waived where it is unnecessary as is the case where the lists of designated agents in the appendices to 5 CFR Parts 581 and 582 are revised.

Executive Order 12866, Regulatory Review

In accordance with Executive Order 12866, this rule has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

I certify that these regulations will not have significant economic impact on a substantial number of small entities because their effects are limited to Federal employees and their creditors.

List of Subjects in 5 CFR Parts 581 and 582

Alimony, Child support, Claims, Government employees, and Wages.

U.S. Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, OPM is amending parts 581 and 582 of Title 5, Code of Federal Regulations, as follows:

PART 581—PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND ALIMONY

1. The authority citation for part 581 continues to read as follows:

Authority: 42 U.S.C. 659; 15 U.S.C. 1673; E.O. 12105 (43 FR 59465 and 3 CFR 262). PART='581'≤

2. Appendix A to part 581 is amended as follows:

A. In I Departments under *Department of Agriculture*:

i. The listing for Food Safety is removed;

ii. The listing for Food Safety and Inspection Service is revised; PART='581'≤

iii. The note is removed; PART='581'≤

iv. The listing for Forest Service, Region 6, Oregon, Mt. Hood National Forest, is revised; PART='581'≤

B. In II. Agencies:

i. The listing for the Harry S. Truman Scholarship Foundation is added;

ii. The listing for the Presidio Trust is added. The additions and revisions to Appendix A read as follows.

Appendix A to Part 581—List of Agents Designated to Accept Legal Process

* * * * *

I. Departments

Department of Agriculture

* * * * *

Food Safety and Inspection Service

Chief, Employee Relations Branch, Labor and Employee Relations Division, Food Safety and Inspection Service, Room 3175 South Building, 14th & Independence Avenue, SW., Washington, DC 20250–3700, 1–800–217–1886

* * * * *

Mt. Hood—Forest Supervisor, 16400 Champion Way, Sandy, OR 97055, (503) 668–1613

II. Agencies

* * * * *

Harry S. Truman Scholarship Foundation

Chief, Payroll Operations Division, Attention: Mail Code 2640, National Business Center, Department of the Interior, P.O. Box 272030, Denver, CO 80227–9030, (303) 969–7739

* * * * *

Presidio Trust

Chief, Payroll Operations Division, Attention: Mail Code 2640, National Business Center, Department of the Interior, P.O. Box 272030, Denver, CO, 80227–9030, (303) 969–7739

PART 582—COMMERCIAL GARNISHMENT OF FEDERAL EMPLOYEES' PAY

3. The authority citation for part 582 continues to read as follows:

Authority: 5 U.S.C. 5520a; 15 U.S.C. 1673; E.O. 12897.

Appendix A [Amended]

4. In appendix A, the listing for the *Army Corps of Engineers* is removed.

[FR Doc. 00–2115 Filed 1–31–00; 8:45 am]

BILLING CODE: 6325–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–92–AD; Amendment 39–11533; AD 2000–02–15]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company Beech Models 65–90, 65–A90, B90, and C90 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Raytheon Aircraft Company (Raytheon) Beech Models 65–90, 65-A90, B90, and C90 airplanes that incorporate a certain engine and propeller configuration. This AD prohibits you from operating any affected airplane with this engine and propeller configuration and prohibits its future installation. Results of an accident investigation involving one of the affected airplanes reveals installation discrepancies with the engine and propeller configuration. These discrepancies, if not corrected, could lead to engine failure and the inability to feather the propeller. The actions specified by this AD are intended to prevent an uncontained engine failure due to suspect engine and propeller installation, which could result in loss of control of the airplane.

DATES: Effective February 18, 2000.

The FAA must receive any comments on this rule on or before March 17, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–92–AD, 901 Locust, Room 506, Kansas City, Missouri 64106.

You may examine information related to this AD at the FAA at the address above.

FOR FURTHER INFORMATION CONTACT: Robert Bosak, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia 30349; telephone: (770) 703–6094; facsimile: (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Discussion

What Events Have Caused This AD?

The FAA has received two reports of engine power turbine failures on Raytheon Beech Model 65–A90 airplanes. Each of these airplanes had the original Pratt & Whitney PT6A–20 turboprop engines replaced with Motorlet, Walter M601E–11 turboprop engines (with Avia-Hamilton Standard VJ8–510 propellers). Supplemental Type Certificate (STC) SA01366AT contains the approval and procedures for this replacement. One of the engine failures was uncontained and one resulted in engine seizure on the opposite engine.

Investigation of the incidents is ongoing; however, the FAA has identified several installation discrepancies. Among these are:

—The engine control electronic limiters (governors) were not installed. This system lowers the fuel delivery and, thus protects the engine against over-temperature at startup and overspeed at BETA control and reverse rating. This could result in engine failure due to overspeed and/or turbine over-temperature conditions;

—The required propeller de-icing system was not installed;

—The propeller feathering pump was not installed, which could prevent feathering of the propeller in the event of an engine seizure; and

—The cabin supercharger was not installed in a manner to assure proper pressurization of the aircraft.

What Are the Consequences If the Condition Is Not Corrected?

These discrepancies, if not corrected, could lead to engine failure and the inability to feather the propeller. This could result in an uncontained engine failure with consequent loss of control of the airplane.

The FAA's Determination and an Explanation of the Provisions of the AD

What Has the FAA Decided?

After examining the circumstances and reviewing all available information related to the incidents described above, including the relevant service information, the FAA has determined that:

—An unsafe condition exists or could develop on Raytheon Beech Models 65–90, 65–A90, B90, and C90 airplanes of the same type design (to the airplanes referenced above) that incorporate STC SA01366AT; and

—AD action should be taken in order to prevent an uncontained engine failure due to suspect engine and propeller installation, which could result in loss of control of the airplane.

What Does This AD Require?

This AD prohibits you from operating any affected airplane with STC SA01366AT incorporated and prohibits you from incorporating this STC in the future.

What Is the Compliance Time of This AD?

The compliance time of both the operations and installation prohibition is ''as of the effective date of this AD.''

Will This Compliance Time Inadvertently Ground Airplanes?

No. The only 2 airplanes that currently incorporate the configuration of the affected STC were involved in the referenced incidents. The engines of these airplanes will be replaced in accordance with the original type certificate data sheet (TCDS) or other FAA-approved STC. Basically, this AD prevents future installation of the configuration specified in STC SA01366AT.

Will the Public Have the Opportunity to Comment Prior to the Issuance of the Rule?

No. Since a situation exists (possible uncontained engine failure) that requires the immediate adoption of this regulation, the FAA has determined that notice and opportunity for public prior comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, the FAA invites comments on this rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule's docket number and submit your comments in triplicate to the address specified under the caption **ADDRESSES**. The FAA will consider all comments received on or before the closing date. We may amend this rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether we need to take additional rulemaking action.

The FAA is re-examining the writing style we currently use in regulatory documents, in response to the Presidential memorandum of June 1, 1998. That memorandum requires federal agencies to communicate more

clearly with the public. We are interested in your comments on whether the style of this document is clearer, and any other suggestions you might have to improve the clarity of FAA communications that affect you. You can get more information about the Presidential memorandum and the plain language initiative at *http://www.plainlanguage.gov*.

The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. You may examine all comments we receive before and after the closing date of the rule in the Rules Docket. We will file a report in the Rules Docket that summarizes each FAA contact with the public that concerns the substantive parts of this AD.

If you want us to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write ''Comments to Docket No. 99–CE–92–AD.'' We will date stamp and mail the postcard back to you.

Regulatory Impact

These regulations will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the FAA has determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a significant regulatory action under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701. ='14' PART = '39'≤

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

2000–02–15 Raytheon Aircraft Company (Type Certificate 3A20 previously held by the Beech Aircraft Corporation): Amendment 39–11533; Docket No. 99–CE–92–AD.

(a) *What airplanes are affected by this AD?* Any Model 65–90, 65–A90, B90, and C90 airplane (all serial numbers) that:

(1) Has at least one Motorlet, Walter M601E–11 turboprop engine (with an Avia-Hamilton Standard VJ8–510 propeller) installed, in accordance with Supplemental Type Certificate (STC) SA01366AT; and

(2) Is certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes on the U.S. Register.

(c) *What problem does this AD address?* The actions required by this AD will prevent engine failure and the inability to feather the propeller caused by discrepancies in the engine and propeller installation.

(d) *What must I do to address this problem?* To address this problem, you must accomplish the following actions:

(1) Do not operate any airplane that has a Motorlet, Walter M601E–11 turboprop engine (with an Avia-Hamilton Standard VJ8–510 propeller) installed, in accordance with STC SA01366AT.

(2) Do not install, on any affected airplane, any Motorlet, Walter M601E–11 turboprop engine (with an Avia-Hamilton Standard VJ8–510 propeller), in accordance with STC SA01366AT.

(e) *What is the compliance time of all actions of this AD?* As of the effective date of this AD.

(f) *Can I comply with this AD in any other way?* Yes.

(1) You may use an alternative method of compliance or adjust the compliance time if:

(i) Your alternative method of compliance provides an equivalent level of safety; and

(ii) The Manager, Atlanta Aircraft Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

(2) This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f)(1) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(g) *Where can I get information about any already-approved alternative methods of compliance?* Contact Robert Bosak, Aerospace Engineer, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia 30349; telephone: (770) 703–6094; facsimile: (770) 703–6097.

(h) *What if I need to fly the airplane to another location to comply with this AD?* The FAA has determined that the nature of the unsafe condition does not warrant the issuance of a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD. The only 2 airplanes that currently incorporate the configuration of the affected STC were involved in the referenced incidents. The engines of these airplanes will be replaced in accordance with the original type certificate data sheet (TCDS) or other FAA-approved STC. Basically, this AD prevents future installation of the configuration specified in STC SA01366AT.

(i) *When does this amendment become effective?* This amendment becomes effective on February 18, 2000.

Issued in Kansas City, Missouri, on January 20, 2000.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–2002 Filed 1–31–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–08–AD; Amendment 39–11525; AD 2000–02–06]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–100, –200, and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Bombardier Model DHC–8–100, –200, and –300 series airplanes. This action requires a one-time visual inspection to determine the part numbers of the beta back-up test

switches of the propeller control system, and replacement of the switches, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to prevent loss of the automatic overspeed protection of the propeller control system, which could result in a propeller overspeed condition and possible damage to the engine and propeller.

DATES: Effective February 16, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 16, 2000.

Comments for inclusion in the Rules Docket must be received on or before March 2, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–08–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: James E. Delisio, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7521; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on certain Bombardier Model DHC–8–100, –200, and –300 series airplanes. TCCA advises that a certain beta back-up test switch is incorrectly identified as an allowable replacement in the wiring diagram manuals. This incorrect switch is used elsewhere on the aircraft and is physically interchangeable with the correct switch. However, the internal contacts of the incorrect switch are different. This difference prevents the beta back-up system of the propeller control system from functioning correctly if a mechanical failure of the propeller control system occurs. In the event of such an occurrence, the automatic overspeed protection could be lost. This condition, if not corrected, could result in a propeller overspeed condition and possible damage to the engine and propeller.

Explanation of Relevant Service Information

The manufacturer has issued de Havilland Alert Service Bulletin S.B. A8–61–30, Revision 'B,' dated December 6, 1999, which describes procedures for a one-time visual inspection to determine the part numbers of the beta back-up test switches of the propeller control system, and replacement of the switches with new switches, if necessary. Accomplishment of the actions specified in the alert service bulletin is intended to adequately address the identified unsafe condition. TCCA classified this alert service bulletin as mandatory and issued Canadian airworthiness directive CF–99–30, dated December 9, 1999, in order to assure the continued airworthiness of these airplanes in Canada.

FAA's Conclusions

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, TCCA has kept the FAA informed of the situation described above. The FAA has examined the findings of TCCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent loss of the automatic overspeed protection of the propeller control system, which could result in a propeller overspeed condition and possible damage to the engine and propeller. This AD requires accomplishment of the actions specified in the alert service bulletin described previously.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–08–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation

that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption ''ADDRESSES.''

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701. ='14' PART '39'≤

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2000–02–06 Bombardier, Inc.

(Formerly de Havilland, Inc.): Amendment 39–11525. Docket 2000–NM–08–AD.

Applicability: Model DHC–8–100, –200, and –300 series airplanes; serial numbers 003 through 538 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of the automatic overspeed protection of the propeller control system, which could result in a propeller overspeed condition and possible damage to the engine and propeller, accomplish the following:

(a) Within 50 flight hours after the effective date of this AD, perform a one-time visual inspection to determine the part numbers of the beta back-up test switches of the propeller control system, in accordance with de Havilland Alert Service Bulletin S.B. A8–61–30, Revision 'B,' dated December 6, 1999.

(1) If all switches have the correct part number (as specified by the alert service bulletin), no further action is required by this AD.

(2) If any switch does not have the correct part number (as specified by the alert service bulletin), prior to further flight, remove and replace the switch with a new switch having part number MS27407–6, in accordance with the alert service bulletin.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The actions shall be done in accordance with de Havilland Alert Service

Bulletin S.B. A8–61–30, Revision 'B,' dated December 6, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Canadian airworthiness directive CF–99–30, dated December 9, 1999.

(e) This amendment becomes effective on February 16, 2000.

Issued in Renton, Washington, on January 21, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–1956 Filed 1–31–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–282–AD; Amendment 39–11529; AD 2000–02–10]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that requires repetitive inspections to detect broken fasteners and cracking of the forward edge frame for main entry door number 3, and repair, if necessary. This amendment is prompted by reports of fatigue cracks at the inner chord and web of the body station 1265 edge frame between stringers 23 and 27. The actions specified by this AD are intended to detect and correct such cracking, which could result in rapid depressurization of the airplane.

DATES: Effective March 7, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 7, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Rick Kawaguchi, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1153; fax (425) 227–2771.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes was published in the **Federal Register** on August 20, 1999 (64 FR 45466). That action proposed to require repetitive inspections to detect broken fasteners and cracking of the forward edge frame for main entry door number 3, and repair, if necessary.

Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Request To Clarify Inspection Requirements for Group 2 Airplanes

One commenter states that the proposed AD should clarify that previous accomplishment of the inspections required for Group 2 airplanes, in accordance with Boeing Alert Service Bulletin 747–53A2416, dated April 23, 1998, is adequate for meeting the inspection requirements of the proposed rule. (Group 2 airplanes are identified in Revision 1, dated May 6, 1999, of the alert service bulletin.) The commenter advises that all of its airplanes were included in the effectivity of the original release of the alert service bulletin and that the inspection requirements of the proposed AD, in accordance with the original release, have been accomplished. The commenter adds that no additional inspection requirements were added in Revision 1 of the alert service bulletin. For those reasons, the commenter requests changing the proposed AD to allow accomplishment of the flight safety inspections in accordance with the original release of the Boeing alert service bulletin instead of Revision 1 for Group 2 airplanes.

The FAA does not concur that it is necessary to change the proposed AD to cite the original release of the alert service bulletin rather than Revision 1 with regard to the inspections required for Group 2 airplanes. The FAA points out that the procedures in both of the alert service bulletins are identical for Group 2 airplanes. Therefore, the FAA agrees that inspections accomplished in accordance with the original release of the alert service bulletin meet the requirements of paragraph (a) of the proposed AD for Group 2 airplanes only. To clarify this, a note has been added to the final rule following paragraph (a).

Request To Clarify Certain Terminology in the Proposed Rule

One commenter requests minor editorial changes and clarification of certain terminology used in the proposed AD, as follows:

- In the second sentence of the ''Explanation of Relevant Service Information,'' section and in Note 3 following paragraph (a) of the proposed AD, the commenter requests changing ''inspection of certain fasteners'' to ''inspection of certain fastener holes.'' Although the ''Explanation'' section is not included in the final rule, the FAA concurs that such a change adds clarity to the inspection requirements, and has changed this phrase accordingly in Note 4 of the final rule. (Note 3 of the proposed rule is renumbered as Note 4 in the final rule.)
- In the first sentence of paragraph (c) of the proposed AD, the commenter requests changing ''If any broken fastener or cracking'' to ''If any broken fasteners or cracking of structure.'' The FAA concurs with this request and has clarified this phrase accordingly in paragraphs (a), (b), and (c), and in Note 4, of the final rule.
- The commenter recommends that the heading preceding paragraph (c) of the proposed AD be called ''Repair'' or ''Correction'' rather than just ''Repair.'' The commenter contends that ''Correction'' should be added to the heading because the statement of the unsafe condition specified that the action required is to detect and ''correct'' cracking. The FAA does not concur and considers that ''Repair'' is adequate for describing the action required to address the unsafe condition. For that reason, no change to the final rule is necessary in this regard.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 1,182 Model 747 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 251 airplanes of U.S. registry will be affected by this AD.

The FAA estimates that it will take approximately 1 work hour per airplane to accomplish the inspection of the frames at the floor intercostal, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $15,060, or $60 per airplane, per inspection cycle.

The FAA also estimates that the inspection of the frames at the top of the inner chord reinforcement strap is required to be accomplished on 103 U.S.-registered airplanes. It is estimated that it will take approximately 1 work hour per airplane to accomplish the inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $6,180, or $60 per airplane, per inspection cycle.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701. PART='39'≤

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2000–02–10 Boeing:

Amendment 39–11529. Docket 98–NM–282–AD.

Applicability: Model 747 series airplanes, as listed in Boeing Alert Service Bulletin 747–53A2416, Revision 1, dated May 6, 1999; certificated in any category.

Note 1: This AD also applies to airplanes that have been converted from a passenger configuration to a special freighter configuration.

Note 2: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct cracking of the inner chord and web of the body station 1265 edge frame between stringers 23 and 27, which could result in rapid depressurization of the airplane, accomplish the following:

Inspections

(a) Accomplish the flight safety inspections of the frames at the floor intercostal to detect any broken fasteners and cracking of structure, in accordance with Figure 5 of Boeing Alert Service Bulletin 747–53A2416, Revision 1, dated May 6, 1999, at the applicable time specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD. Repeat the inspection thereafter at intervals not to exceed 3,000 flight cycles.

Note 3: Accomplishment of the flight safety inspections of the frames at the floor intercostal on Group 2 airplanes prior to the effective date of this AD, in accordance with Boeing Alert Service Bulletin 747–53A2416, dated April 23, 1998, is considered acceptable for compliance with the actions required by paragraph (a) of this AD. However, Group 1 airplanes, as specified by paragraph (b) of this AD, that were inspected in accordance with the original release of the alert service bulletin are not exempt from the requirements of paragraph (b) of this AD.

Note 4: Figure 5 of the alert service bulletin includes a detailed visual inspection for broken fasteners, an open hole high frequency eddy current (HFEC) inspection of certain fastener holes in the frame inner chord to detect any cracking of structure, and a surface HFEC inspection of the frame web to detect any cracking.

Note 5: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

Note 6: The alert service bulletin gives instructions to perform an open hole inspection, but does not give instructions to oversize the fastener hole after the inspection. This will keep sufficient material to oversize the hole at a later date when the modification work is accomplished.

(1) For airplanes that have accumulated fewer than 10,000 total flight cycles as of the effective date of this AD: Inspect prior to the accumulation of 10,000 total flight cycles, or within 1,000 flight cycles after the effective date of this AD, whichever occurs later.

(2) For airplanes that have accumulated between 10,000 and 20,000 total flight cycles as of the effective date of this AD: Inspect prior to the accumulation of 11,000 total flight cycles, or within 750 flight cycles after the effective date of this AD, whichever occurs later.

(3) For airplanes that have accumulated more than 20,000 total flight cycles as of the effective date of this AD: Inspect prior to the accumulation of 20,750 total flight cycles, or within 500 flight cycles after the effective date of this AD, whichever occurs later.

(b) For Group 1 airplanes, as identified in Boeing Alert Service Bulletin 747–53A2416, Revision 1, dated May 6, 1999, on which the extended chord reinforcement strap modification specified in Boeing Service Bulletin 747–53–2066, dated June 28, 1972, has not been accomplished or on which the extended chord reinforcement strap modification was accomplished after the accumulation of 10,000 total flight cycles: Accomplish the surface HFEC inspection and the open hole HFEC inspection, as applicable, of the frames at the top of the inner chord reinforcement strap to detect any cracking of structure, in accordance with Figure 6 of the alert service bulletin at the applicable time specified in either paragraph (b)(1) or (b)(2) of this AD. Repeat the inspections thereafter at intervals not to exceed 800 flight cycles.

(1) For airplanes that have accumulated 20,000 total flight cycles or fewer as of the effective date of this AD: Inspect prior to the accumulation of 16,000 total flight cycles, or within 500 flight cycles after the effective date of this AD, whichever occurs later.

(2) For airplanes that have accumulated more than 20,000 total flight cycles as of the effective date of this AD: Inspect prior to the accumulation of 20,500 total flight cycles, or within 250 flight cycles after the effective date of this AD, whichever occurs later.

Repair

(c) If any broken fastener or cracking of structure is detected during the inspections required by paragraph (a) or (b) of this AD, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 7: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(f) The inspections shall be done in accordance with Boeing Alert Service Bulletin 747–53A2416, Revision 1, dated May 6, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on March 7, 2000.

Issued in Renton, Washington, on January 20, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–1765 Filed 1–31–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–60–AD; Amendment 39–11535; AD 2000–02–17]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc RB211 Trent 768–60, 772–60, and 772B–60 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Rolls-Royce plc RB211 Trent 768–60, 772–60, and 772B–60 series turbofan engines. This action requires initial and repetitive visual inspections for flank wear on intermediate pressure turbine (IPT) shaft splines and intermediate pressure compressor (IPC) rear stub shaft splines. Components that show excessive flank wear must be replaced with serviceable parts. This amendment is prompted by reports of worn IPT shaft splines discovered at overhaul. The actions specified in this AD are intended to prevent IPT and IPC shaft spline flank wear, which could result in loss of drive between the IPT and IPC, leading to an IPT overspeed and possible disk burst, uncontained engine failure, and potential damage to the aircraft.

DATES: Effective February 16, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 16, 2000.

Comments for inclusion in the Rules Docket must be received on or before April 3, 2000.

ADDRESSES: Submit comments to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–60—AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ane-adcomment@faa.gov''. Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from Rolls-Royce plc, PO Box 31, Derby, England; telephone: International Access Code 011, Country Code 44, 1332–249428, fax: International Access Code 011, Country Code 44, 1332–249223. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone 781–238–7176, fax 781–238–7199.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom (UK), recently notified the Federal Aviation Administration (FAA) that an unsafe condition may exist on Rolls-Royce plc (R–R) RB211 Trent 768–60, 772–60, and 772B–60 series turbofan engines. The CAA advises that it has received reports of excessive flank wear discovered on intermediate pressure turbine (IPT) shaft splines at overhaul. The investigation revealed that a lubrication problem, among other factors, may be causing the wear. This condition, if not corrected, could result in IPT and intermediate pressure compressor (IPC) shaft spline flank wear, which could result in loss of drive between the IPT and IPC, leading to an IPT overspeed and possible disk burst, uncontained engine failure, and potential damage to the aircraft.

Service Information

R–R has issued Mandatory Service Bulletin (SB) No. RB.211–72–C329, Revision 1, dated November 6, 1998, that specifies procedures and references for performing visual inspections for flank wear on IPT shaft splines and IPC rear stub shaft splines. The SB also provides references for determining if excessive flank wear requires replacing worn components with serviceable parts. The CAA classified this SB as mandatory and issued airworthiness directive (AD) 004–04–98, dated November 6, 1998, in order to assure the airworthiness of these R–R engines in the UK.

Bilateral Airworthiness Agreement

This engine model is manufactured in the UK and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Required Actions

Since an unsafe condition has been identified that is likely to exist or develop on other engines of the same type design registered in the United States, the AD requires initial visual inspections prior to accumulating 4,200 cycles-since-new (CSN) and repetitive inspections at intervals not to exceed 4,200 cycles-in-service (CIS) since last inspection. Components that show excessive flank wear must be replaced with serviceable parts. The actions would be required to be accomplished in accordance with the SB described previously.

Immediate Adoption

There are currently no domestic operators of this engine model. Accordingly, a situation exists that allows the immediate adoption of this regulation. Notice and opportunity for prior public comment hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact

concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NE–60–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order (EO) 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a ''significant regulatory action'' under EO 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701. PART='39'≤

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2000–02–17 Rolls-Royce plc: Amendment 39–11535. Docket 99–NE–60–AD.

Applicability: Rolls-Royce plc (R–R) RB211 Trent Rolls-Royce plc (R–R) RB211 Trent 768–60, 772–60, and 772B–60 series turbofan engines, installed on but not limited to Airbus Industrie A330–341 and A330–342 series airplanes.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent intermediate pressure turbine (IPT) and intermediate pressure compressor (IPC) shaft spline flank wear, which could result in loss of drive between the IPT and IPC, leading to an IPT overspeed and possible disk burst, uncontained engine failure, and potential damage to the aircraft, accomplish the following:

Inspections

(a) Visually inspect for flank wear on IPT shaft splines and intermediate pressure compressor IPC rear stub shaft splines in accordance with Paragraph D, Action, of R–R Mandatory Service Bulletin (SB) No. RB.211–72–C329, Revision 1, dated November 6, 1998, as follows:

(1) Initially inspect prior to accumulating 4,200 cycles-since-new.

(2) Thereafter, inspect at intervals not to exceed 4,200 cycles-in-service since last inspection.

Replacement, If Necessary

(b) If spline wear depth exceeds the limits referred to in paragraph D (h)(vi) of R–R Mandatory SB No. RB.211–72–C329, Revision 1, dated November 6, 1998, prior to further flight remove from service worn components and replace with serviceable parts.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office (ECO). Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the ECO.

Ferry Flights

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the inspection requirements of this AD can be accomplished.

Incorporation by Reference

(e) The actions required by this AD shall be performed in accordance with Rolls-Royce plc Mandatory Service Bulletin No. RB.211–72-C329, Revision 1, dated November 6, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Rolls-Royce plc, PO Box 31, Derby, England; telephone: International Access Code 011, Country Code 44, 1332–249428, fax: International Access Code 011, Country Code 44, 1332–249223. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(f) This amendment becomes effective on February 16, 2000.

Issued in Burlington, Massachusetts, on January 21, 2000.

David A. Downey,

Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 00–2000 Filed 1–31–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–99–AD; Amendment 39–11534; AD 2000–02–16]

RIN 2120–AA64

Airworthiness Directives; Short Brothers and Harland Ltd. Models SC–7 Series 2 and SC–7 Series 3 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all Short Brothers and Harland Ltd. (Shorts) Models SC–7 Series 2 and SC–7 Series 3 airplanes. This AD requires you to repetitively inspect the wing attachment bushes in the fuselage front and rear spar frames for migration (gaps), and replace the bushes if a gap exists that is of a certain length or more. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by this

AD are intended to detect and correct migration of the wing attachment bushes in the fuselage front and rear spar frames, which could result in structural damage to the wing spar/fuselage fitting with possible loss of control of the airplane.

DATES: Effective March 20, 2000.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of March 20, 2000.

ADDRESSES: You may get the service information referenced in this AD from Short Brothers plc, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland. You may examine this information at the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–99–AD, 901 Locust, Room 506, Kansas City, MO 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Chudy, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4140; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

What caused this AD? This AD is the result of reports of migration in the wing attachment bushes in the front and rear spar frames of Shorts Models SC–7 Series 2 and SC–7 Series 3 airplanes.

What is the potential impact if the FAA took no action? These actions are necessary to detect and correct migration of the wing attachment bushes in the fuselage front and rear spar frames. If we did not take action, this could result in structural damage to the wing spar/fuselage fitting with possible loss of control of the airplane.

Has the FAA taken any action to this point? Yes. We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Shorts Models SC–7 Series 2 and SC–7 Series 3 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on September 28, 1999 (64 FR 52263). The NPRM proposed to require repetitively inspecting the wing attachment bushes in the fuselage front and rear spar frames for migration (gaps), and replacing the bushes if a gap exists that is of a certain length or more. Accomplishment of the proposed action as specified in the NPRM would be in accordance with Shorts Service Bulletin 53–68.

Was the public invited to comment? Yes. Interested persons were afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

What is the FAA's Final Determination on this issue? We carefully reviewed all available information related to the subject presented above and determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

—Will not change the meaning of the AD; and

—Will not add any additional burden upon the public than was already proposed.

Cost Impact

How many airplanes does this AD impact? We estimate that 22 airplanes in the U.S. registry will be affected by the initial inspection.

What is the cost impact of the affected airplanes on the U.S. Register? We estimate that it will take approximately 10 workhours per airplane to accomplish the inspection, and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of the initial inspection on U.S. operators is estimated to be $13,200, or $600 per airplane.

These figures only take into account the cost of the initial inspections and do not account for the cost of repetitive inspections or the cost necessary to replace any bushings when gaps that exceed a certain length are found. The FAA has no way of determining the number of repetitive inspections or replacements each owner/operator will incur over the life of the affected airplanes.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The FAA has prepared a final evaluation and placed it in the Rules Docket. You can get a copy of this evaluation at the location listed under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

2000–02–16 Short Brothers and Harland Ltd. Amendment 39–11534; Docket No. 97–CE–99–AD.

(a) *What airplanes are affected by this AD?* Models SC–7 Series 2 and SC–7 Series 3 airplanes, all serial numbers, certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes on the U.S. Register.

(c) *What problem does this AD address?* These actions are necessary to detect and correct migration of the wing attachment bushes in the fuselage front and rear spar frames. If we did not take action, this could result in structural damage to the wing spar/fuselage fitting with possible loss of control of the airplane.

(d) *What must I do to address this problem?* To address this problem, you must accomplish the following, as applicable:

(1) Initial Requirements

(i) *What actions are required?* Inspect the wing attachment bushes in the fuselage front and rear spar frames for migration.

(ii) *When is the action required?* Within the next 100 hours time-in-service (TIS) after the effective date of this AD.

(2) Repetitive Requirements

(i) *What if no gaps are found at the bush areas during any inspection required by this AD?* Repeat the inspection specified in paragraph (d)(1)(i) of this AD at intervals not to exceed 500 hours TIS.

(ii) *What if any gap is found at the bush area that is less than 0.125 inches in length during any inspection required by this AD?* Repeat the inspection specified in paragraph (d)(1)(i) of this AD at intervals not to exceed 100 hours TIS provided the gaps do not increase to 0.125 inches or more in length. If the gap has not increased during 3 additional inspections and continue to not increase, then the inspection intervals may be increased to 500 hours TIS.

(iii) *What if any gap is found at the bush areas that is 0.125 inches or more in length during any inspection required by this AD?* Prior to further flight, replace the bushes with parts specified in the service information identified in this AD. Inspect the replacement bushes at intervals not to exceed 500 hours TIS in accordance with paragraph (d)(1)(i) of this AD.

(e) *What procedures must be used to accomplish all actions of this AD?* Shorts Service Bulletin No. 53–68, which incorporates the following pages:

Pages	Revision level	Date
6, 7, 8, 9, 10, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, and 25	Original Issue	January 10, 1996.
12	Revision No. 1	May 30, 1996.
3	Revision No. 2	September 1998.
1, 2, 4, 5, 11, 15, and 16	Revision No. 3	May 1999.

(f) *Can I comply with this AD in any other way?* Yes.

(1) You may use an alternative method of compliance or adjust the compliance time if:

(i) Your alternative method of compliance provides an equivalent level of safety; and

(ii) The Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

(2) This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f)(1) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(g) *Where can I get information about any already-approved alternative methods of compliance?* Contact the Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4140; facsimile: (816) 329–4090.

(h) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(i) *Who should I contact if I have questions regarding the service information?* Direct all questions or technical information related to Shorts Service Bulletin 53–68, to Short Brothers plc, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland. You may examine this service information at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

(j) *Are any service bulletins incorporated into this AD by reference?* Yes. You must accomplish the actions required by this AD in accordance with Shorts Service Bulletin 53–68, which incorporates the following pages:

Pages	Revision level	Date
6, 7, 8, 9,10, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, and 25	Original Issue	January 10, 1996.
12	Revision No. 1	May 30, 1996.
3	Revision No. 2	September 1998.
1, 2, 4, 5, 11, 15, and 16	Revision No. 3	May 1999.

The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from Short Brothers plc, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(k) *Has the airworthiness authority for the State of Design addressed this action?* Yes. The subject of this AD is addressed in British Airworthiness Directive 009–01–96, not dated.

(l) *When does this amendment become effective?* This amendment becomes effective on March 20, 2000.

Issued in Kansas City, Missouri, on January 20, 2000.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–2001 Filed 1–31–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration For Children and Families

45 CFR Part 1303

RIN 0970–AB87

Head Start Program

AGENCY: Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), HHS.

ACTION: Final Rule.

SUMMARY: The Administration on Children, Youth and Families is issuing this final rule to implement timelines for conducting administrative hearings on adverse actions taken against Head Start grantees and to make additional changes to the regulations designed to expedite the appeals process.

EFFECTIVE DATES: March 2, 2000.

FOR FURTHER INFORMATION CONTACT: Douglas Klafehn, Deputy Associate Commissioner, Head Start Bureau, Administration on Children, Youth and Families, 330 C Street, SW, Washington, DC 20447; (202) 205–8572.

SUPPLEMENTARY INFORMATION:

I. Program Purpose

Head Start is authorized under the Head Start Act (42 U.S.C. 9801 *et seq.*). It is a national program providing comprehensive developmental services to low-income preschool children primarily age three to the age of compulsory school attendance, and their families. To help enrolled children achieve their full potential, Head Start programs provide comprehensive health, nutritional, educational, social and other services. Also, section 645A of the Head Start Act provides authority to fund programs for families with infants and toddlers. Programs receiving funds under the authority of this section are referred to as Early Head Start programs. Head Start programs are required to provide for the direct participation of the parents of enrolled children in the development, conduct, and direction of local programs. Parents also receive training and education to foster their understanding of and involvement in the development of their children. In fiscal year 1998, Head Start served 823,000 children through a network of over 2,000 grantees and delegate agencies.

While Head Start is intended to serve primarily children whose families have incomes at or below the poverty line, or who receive public assistance, Head Start policy permits up to 10 percent of the children in local programs to be from families who do not meet these low-income criteria. The Act also requires that a minimum of 10 percent of the enrollment opportunities in each program be made available to children with disabilities. Such children are expected to participate in the full range of Head Start services and activities with their non-disabled peers and to receive needed special education and related services.

II. Summary of the Major Provisions of the Final Rule

The authority for this final rule is section 646 of the Head Start Act (42 U.S.C. 9841), as amended by Public Law 103–252, Title I of the Human Services Amendments of 1994.

ACF's changes to the regulations are designed to expedite the appeals process and as specifically required by section 646(c) to specify a timeline for administrative hearings on adverse actions taken against grantees, and a timeline for conducting the administrative hearing and issuing a decision. The final rule implements these requirements.

Overall, the final rule on timelines, including the conforming changes to other affected sections of the appeals requirements in part 1303, will save time and expenses while continuing to allow due process to grantees appealing a proposed termination or denial of refunding. In the past, a number of appeal proceedings have been protracted and costly, partly because of the absence of statutory or regulatory timelines for holding a hearing. Under the final rule on timelines, decisions can be rendered in a shorter period of time thus allowing quicker removal of a deficient grantee. This will help ensure that children and their families receive high quality Head Start services from a qualified provider.

III. Rulemaking History

On June 30, 1998, the Administration on Children, Youth and Families (ACYF) published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** (63 FR 35554) proposing: (1) Timelines for the conducting of administrative hearings on adverse actions taken against Head Start grantees; and (2) additional changes to the regulations designed to expedite the appeals process. Copies of the proposed rule were mailed to all Head Start grantees and delegate agencies. Interested parties were given 60 days in which to comment. ACYF received comments from three Head Start grantees and a private law firm interested in Head Start appeals.

IV. Section by Section Discussion of the Comments on the NPRM

Of the four parties commenting on the NPRM, one was a general expression of support for the proposed rule, while the other comments were directed at specific sections of the NPRM. Only those sections for which comments were made or to which technical changes were made are discussed below. The discussion of the sections follows the order of the NPRM table of contents and a notation is made wherever the section designations have been changed or deleted in the final rule.

Section 1303.14 Appeal by a Grantee From a Termination of Financial Assistance

Section 1303.14(c)

Comment: One commenter agreed that ACF should provide detailed notices of termination of refunding. However, the commenter believes that changes to the proposed rule would make it more equitable and would help to streamline the appeals process. The comment states that implicit in the Head Start Act's requirement for a full and fair hearing is a requirement that sanctions are available to the Departmental Appeals Board (The Board) for application to either party. Accordingly, the significant sanctions for various failures as detailed in the NPRM should be equally applicable to ACF. Without such uniformity, the commenter stated that the regulations would be in violation of the Head Start Act's requirement for a fair hearing process.

Response: Sanctions may be applied to both parties under the proposed regulations. It is unclear what additional sanctions the commenter wishes imposed on the public if the Federal agency should fail to comply with the requirements of the proposed provisions. What ACF has proposed are sanctions that would compel the issuance of clear statements of the findings and the factual and legal bases for them. We believe this is fair to grantees while permitting the removal of poor grantees from the program, both of which are within the statutory purposes of the program. For these reasons, we have made no changes based on this comment.

Section 1303.14 (c)(i) Notice of Termination

Comment: One commenter is concerned that the notice requirements being imposed upon ACF are not written with the same degree of specificity as § 1303.14(d)(1–7) pertaining to the requirements for Grantee Notices of Appeal. The commenter believes that ACF should be required to submit the termination in writing, submit the findings of fact, relevant citations for violations, and notice of right to appeal.

Response: The current regulations require specific statements about proposed actions. The proposed regulations would require specific findings of fact and citations of legal and policy provisions applicable to the

proposed action. We believe this is adequate. Moreover, if for any reason they are not adequate, the Departmental Appeals Board can require greater specificity. We note also that the proposed and existing regulations require that termination and denial of refunding letters give notice of appeal rights.

The proposed rule requires that the notice spell out in specific terms the legal basis for the termination. The object is to reduce the need for the grantee to supplement its initial notice with additional filings after the appeal is filed, which will streamline and expedite the appeals process. Therefore, for the foregoing reasons, we have not changed this section in the final rule.

Sections 1303.14(c)(6) and 1303.15(d)(4) Sanctions

Comment: Two commenters are concerned that these sections, though they provide sanctions to be levied against ACF, do not provide for a timeline upon which ACF is barred from reissuing the termination. The commenters state that this section does not offer the deterring effect as intended and that it imposes responsibilities upon ACF, but fails to provide the enforcement element. However, the sanctions provided in § 1303.14(e) against the grantee/delegate are much more punitive than those provided against ACF.

Response: For the reasons stated above in response to the previous comment, we believe that the sanctions proposed against ACF in the event that a notice of termination is deficient provide a fair remedy. Furthermore, it would be inappropriate to penalize the public due to an error by the Federal agency. Keeping an unqualified grantee in the program would do just that. Providing a corrected notice avoids that and gives the grantee all the notice due it. Therefore, we have not made any changes.

Section 1303.14(d)(1–5) Document Production

Comment: One commenter was particularly concerned that § 1303.14(d)(5), which requires the grantee to submit a detailed request and justification for the production of documents, is unduly burdensome and serves as an effort to impede its ability to address the many issues against it in the notice of termination. The commenter believes that it should be sufficient that the request for the production of documents is relevant to the issues at hand. The commenter states that § 1303.14(c)(i) sets forth the requirements for the notification of the termination of the grant. It also believes that if § 1303.14(c)(i) was specific it would provide the grantee sufficient notice and allow the grantee to be more specific in its appeal. The commenter believes that as the regulation is now written, it should be fair to assume that any request for documents is in support of an anticipated defense in the appeal. Therefore, the commenter believes it should follow that a grantee/delegate agency should be able to request documents that are relevant to the appeal. Furthermore, the commenter believes that grantees should not be required to lay out their arguments before they are allowed to answer the allegations. The commenter believes this regulation as it is now written essentially requires that.

Response: We do not believe these objections are meritorious. Current practice and the proposed regulations require specific notice. Also, requiring a showing of relevance and reasonable basis for believing a document exists is not equivalent to requiring a full explanation of a grantee's arguments. Even if it were, the parties have to lay out their arguments or positions at the outset anyway. We also note the fact that non-renewal and termination actions rarely arise overnight. Rather, grantees have been in contact with ACF over the specifics of non-compliance deficiencies. Considerable exchange of views and information is generally the case.

Generally, on-site reviews have been conducted and the findings shared with the grantee, including the bases for those findings. Morever, with respect to documentation, the vast majority of the documents are those obtained by ACF from the grantee itself. It has been ACF's experience that considerable time is wasted on so-called ''fishing expeditions'' when blanket requests are filed for documents without any objective reason to believe they exist. The purpose of the regulation is to avoid those situations.

There is no desire to deny a party the ability to request and obtain relevant documents. There is a desire to avoid unfounded and generalized requests that are not based on some reasonable basis to believe the documents exist.

ACF would also note that generally it files all documents in its possession that pertain to the case, except those that are privileged. It does this even when it does not expect to rely on a particular document. The purpose in doing this is to avoid haggling over production of documents and to expedite the process. This also helps ensure that the Board has the fullest possible picture of the grantee and the dispute, and that the documents are available should they become relevant to an issue during the course of the proceedings.

Section 1303.14(d)(1–7)

Comment: One commenter suggests that the rule be clarified to indicate whether the grantee's funding will be affected during the appeals process and whether the proposed change would supplement the existing section or act as a substitute to the current section.

Response: The NPRM proposes no changes in this regard and current regulations provide for continued funding to a grantee during the appeals process unless the grant has also been suspended.

Sections 1303.14(d)(e) and 1303.15(h) Appeal

Comment: We received two comments on this section. The first indicated that the increase in time for a grantee to file an appeal from 10 to 30 days is clearly warranted. Nevertheless, the commenter believes that the new requirements for the content of the appeal not only are unworkable but also are prejudicial to grantees because they will force grantees, even more than before, to do a dump of all documents in their possession remotely related to their appeal in order to ensure that all documents necessary to a grantee's case are available at the hearing. The commenter believes that an appropriate change to the proposed rule would be to provide for a process similar to that already informally employed by the Board— an initial submission of documents followed by a final submission after the conclusion of discovery and rulings on preliminary motions. Such a process is very common in judicial and administrative proceedings and provides the parties a real opportunity to respond to fully developed issues.

Second, the commenter suggests that the requirement that the grantee provide all documents that are relevant is also prejudicial in that any documents not immediately submitted will be excluded under the proposed rules. Thus, to mount an effective defense, a grantee will be forced to expend significant sums on attorney time and other costs in order to search files for any documents remotely related to the appeal and submit them. The commenter argues, therefore, that the result of this proposed rule will be to give grantees a Hobson's choice of either high costs to file an appeal (costs that are largely not covered by Head Start) or exclusion of potentially crucial documents.

Response: We have considered the comments objecting to the requirement that grantees submit all relevant documents with their original appeals. The crux of the objection is that this will force grantees to dump all documents that might conceivably be relevant, resulting in excessive search time and, presumably, an unduly cumbersome record, although the latter point was not raised. We believe there is some merit to this comment.

In response to this comment, we have changed § 1303.14(d) by adding a new paragraph (6) and renumbering proposed paragraphs (6) and (7) as (7) and (8), respectively. Also, for purposes of clarity, we have added a time-frame for ACF's response to the appeal. The new paragraph (6) reads as follows:

> Grantees may submit additional documents within 14 days of receipt of the documentation submitted by ACF in response to the grantee's appeal and submission of documents. The ACF response to the appeal and initial submittals of the grantee shall be filed no later than 30 days after ACF's receipt of the material. In response to such a submittal by the grantee, ACF may submit additional documents should it have any, or request discovery in connection with the new documents, or both, but must do so within 10 days of receipt of the additional filings.

ACF believes this substantially meets the concerns of the commenter, while still providing for expeditious conduct of the appeal. It also permits ACF to obtain more information on the new documents if it is unfamiliar with them. ACF does not believe any change to paragraph (e) of the regulation is necessary as a result of the change. The sanctions would apply if a grantee did not submit the documents at the outset, or within 14 days of receipt of the ACF initial filing, if the conditions for an exception do not exist. Of course, these provisions do not mean that all documents submitted by the parties are automatically entitled to be admitted into the record. The Board may exclude irrelevant documents, or those for which authenticity cannot be established, or for other appropriate reasons as the Board determines.

Section 1303.15(d)(4) Appeal by a Grantee From a Denial of Refunding

Comment: One commenter objects to 30 days for a grantee to initially appeal and suggested 60 days instead, with a possibility of one 30-day extension due to extreme unavoidable circumstances. In order to make the notice from ACF more useful, the commenter proposes that ACF be required to structure its notice of termination or denial of refunding in a manner similar to a complaint in Federal court with numbered paragraphs containing factual allegations. The commenter states that in this way, as in a court of law, a grantee can provide a specific response to each factual allegation and between the termination notice and the grantee's responses, it will be clear what facts, if any, are clearly in dispute.

The increase in time for a grantee to file an appeal from 10 to 30 days is clearly warranted. Nevertheless, the commenter believes that the new requirements for the content of the notice of appeal not only are unworkable but also are prejudicial to grantees.

Response: The proposed revision to paragraph (d) clarifies the existing rule by requiring ACF to state in specific details the legal basis of the decision to deny refunding to a grantee. As stated in the NPRM, the objective is to reduce the need for the grantee to supplement its initial appeal with additional filings and thereby streamline and expedite the appeals process.

The increase in the amount of time to appeal a termination from 10 to 30 days is being made to give grantees more time in which to develop their initial appeal submission, which will allow for quicker resolution of appeals. The comment presented by a public agency regarding this change states that it is fair and supports the proposed change. If more time is needed, it may be requested of the Departmental Appeals Board in advance of the due date in accordance with § 1303.8. Further, ACF does not believe that using court practice as a model is either necessary or desirable. Administrative proceedings are generally designed to be less formal and to be expeditious, goals not furthered by the suggestion. In view of the foregoing, we did not change the rule.

Section 1303.14(h) Right To Participate in Hearing

Comment: One commenter believes that the ability of a Head Start grantee to participate in the hearing process should not be impacted by the fact that they are a delegate agency. The commenter believes delegate agencies should be able to participate as a matter of right.

Response: We do not support this suggestion. First, the appeal right by statute is vested in a grantee and not in its delegate agencies. Secondly, a grantee may elicit evidence and testimony from delegate agencies and their personnel in support of its appeal, if such evidence and testimony is available, and present that as part of its own case. Thirdly, the proposed regulation does afford a delegate whose conduct is the source of grounds for non-renewal or termination the right to participate. ACF does not see the need to automatically expand the number of parties in a proceeding. Any other party may petition the Board to participate under the proposed regulations. It is ACF's intent that under those circumstances the Board will apply the tests under 45 CFR 16.16 in determining the right to participate. One of those conditions is that the intervention not cause undue delay. We would note that the costs of intervention by a delegate agency that is not appearing as a matter of right are not allowable costs under the grantee's grant.

Section 1303.15(d)(3) Appeal by a Grantee From Denial of Refunding

In reviewing the NPRM, we realized that we had inadvertently failed to revise this paragraph to conform it to the comparable provision on terminations. The termination provisions are in Section 1303.14(c). We have done so in the final rule. We believe it is clear that the intent with respect to termination and non-renewal actions was to have them be as identical as possible since they are, for all practical purposes, identical actions. They are separately provided for due to the Head Start Act's reference to them as separate actions. We have made the assumption that those who commented on the termination provisions would have the same comments about them in the denial of refunding section. Our responses to those comments are the same here.

Section 1303.16(d) Conduct of Hearing

Comment: One commenter said that ACF's justification for the use of written direct testimony is that it is more efficient and reduces the hearing time and expense. However, the commenter maintains that ACF and the agency/delegates still will have to provide written testimony, which can be more time consuming and expensive.

Further, the commenter maintains that written direct testimony does not allow for the many nuances that may arise with live direct testimony. Also, the commenter argues that the use of prepared direct testimony does not provide active participation by the presiding officer.

One commenter believes that prepared testimony is prejudicial to grantees.

Response: ACF does not believe that the comments warrant a change in the regulations as proposed. ACF has experience with the use of prepared direct testimony in these and similar cases.

That experience does not support the commenter's view that it impairs the Board's ability to assess credibility and the demeanor of witnesses. While there may be rareinstances when a key witness is not subject to cross-examination or questioning by the Board, in our view that would be a rare occurrence. As to the cost savings, by way of clarification not only is there a reduction in transcript costs, but there is also a reduction in travel costs for all the Federal personnel and Federal witnesses.

Moreover, as we noted in the preamble to the NPRM, the use of prepared direct testimony reduces the time of the hearing. A major public benefit of this is that Federal personnel are therefore away from their other duties for less time. This means there is less disruption in the conduct of Federal business. Since these personnel also have to provide services to other grantees, this is another major benefit of the use of prepared direct testimony.

As to the comment that use of prepared direct testimony will preclude a grantee from making its case to the Board, we know of no evidence to support that statement. Our experience is that a grantee can make its case to the Board using prepared direct testimony. ACF has the same view of the comment that the use of prepared direct testimony will cost grantees more money than live direct testimony. Even if true, however, we do not believe thatthose costs would be comparable to the added costs to taxpayers of having to pay added travel costs of keeping Federal personnel and witnesses on-site during a week or more of live direct testimony.

ACF does not believe that the use of prepared direct evidence favors or prejudices any party. The provision operates equally on all parties with respect to the presentation of evidence. Observing the demeanor of witnesses is a consideration that applies to all witnesses and that intrinsically does not work for or against one party over another. Therefore, ACF does not consider the comments as warranting any change to the proposed regulations.

We believe the comment that the proposal would limit a grantee's ability to advocate for itself and children and their families is not valid. First, as noted above, our experience is that grantees can advocate for themselves when the procedure of prepared direct testimony is used. Second, ACF is charged with advocating for children and their families as well. Therefore, they are not without advocacy on their behalf. Indeed, concern over thechildren and families is the motivating factor in the intense efforts ACF engages in to secure interim grantees to take over services after non-renewal or termination of a grant. Moreover, as the District Court recently noted in denying a preliminary injunction brought by a Head Start grantee whose grant was terminated, a grantee does not have standing to raise the concerns of children and their families in receiving Head Start services from a particular provider. *Mansfield-Richland-Morrow Total Operation Against Poverty* v. *Donna E. Shalala,* ''Memorandum Opinion,'' p. 18, November 25, 1998.

Section 1303.17 Time for Hearing and Decision

Comment: Four commenters expressed concern regarding the amount of time for a hearing and decision. According to the commenters, the new timelines proposed by ACF have two defects.

First, the commenters believe that the rule is not clear concerning the 60-days for a decision; specifically,whether the 60-days begins to run after briefing and oral arguments or from some other point in time.

Second, with respect to the overall timelines, there was a concern that the timelines would drive up the cost of hearings to grantees. By requiring complex litigation to be concluded in approximately seven to nine months, it is stated that ACF will succeed in forcing grantees to utilize more attorneys to keep up with the demands of such litigation.

Response: We changed the regulation to clarify that the 60 days for a decision starts when the record for an appeal is closed. The record is closed when the last permissible submission is received by the Board.

In response to the first part of this comment we have changed the last sentence of § 1303.17(a) to provide that the 60 day period for the decision begins to run after the Board's receipt of the last permissible submittal. The submittal of unauthorized material will not stay or prolong the due date of the final decision.

There is no reason to believe that the total amount of attorney time devoted to an appeal will change because of the timelines. The fact it will be expended over a shorter period of time does not necessarily mean more attorney time will be required or that costs will be greater. The intent of Congress is to expedite these appeals and that is of prime importance.

V. Impact Analysis

Executive Order 12866

Executive Order 12866 requires that regulations be drafted to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this rule is consistent with these priorities and principles. This final rule implements the statutory requirement for Head Start grantee appeals to be heard and decided within certain, defined time frames.

Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act (5 U.S.C. Ch. 6) requires the Federal government to anticipate and reduce the impact of rules and paperwork requirements on small businesses. For each rule with a ''significant economic impact on a substantial number of small entities'' an analysis must be prepared describing the rule's impact on small entities. Small entities are defined by the Act to include small businesses, small non-profit organizations and small governmental entities. While these regulations would affect small entities, they would not affect a substantial number. For this reason, the Secretary certifies that this rule will not have a significant impact on substantial numbers of small entities.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, Public Law 104–13, all Departments are required to submit to the Office of Management and Budget (OMB) for review and approval any reporting or recordkeeping requirements inherent in a proposed or final rule. This final rule contains information collection in § 1303.14, (written grantee appeal) § 1303.15 (appeal of denial of refunding) and § 1303.16(d) (written direct testimony) which have been submitted to OMB for review and approval.

The respondents to the information collection requirements in the rule are Head Start grantees, which may be State or local nonprofit or for-profit agencies or organizations.

The Department needs to require the collection of certain information to conform to the administrative rules that provide for a hearing by grantees against which adverse action is contemplated.

The grantees that will be affected by these requirements will be those for which the Department is contemplating adverse action either by terminating financial assistance or by denying an application for funding.

Based upon our experience we estimate that adverse action would be contemplated against ten grantees in a given year. A written grantee appeal (addressed in § 1303.14) and an appeal of denial of refunding (addressed in § 1303.15) is a one time activity which

is preceded by one action which is to research the allegations by checking program records and preparing a written response. We previously estimated the time it would take to research records and prepare a letter at 16 hours per instance for a total burden of 160 hours, approved under OMB control number 0980–0242. There is no new additional burden anticipated in the final rule for these sections.

A new burden is estimated for written direct testimony (addressed in § 1301.16(d)). We estimate an additional burden of 10 hours for each grantee for a total new burden of 100 hours annually.

The Administration for Children and Families (ACF) will consider comments by the public on these proposed collections of information in:

Evaluating whether the proposed collections are necessary for the proper performance of the functions of ACF, including whether the information will have practical utility;

Evaluating the accuracy of ACF's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;

Enhancing the quality, usefulness, and clarity of the information to be collected; and

Minimizing the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technology, *e.g.,* permitting electronic submission of responses.

OMB is required to make a decision concerning the collection of information contained in this final rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments to OMB for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW, Washington, DC 20503, Attn: Wendy Taylor.

Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) requires that a covered agency prepare a budgetary impact statement before promulgating a rule that includes any Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year.

If a covered agency must prepare a budgetary impact statement, section 205 further requires that it select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with the statutory requirements. In addition, section 205 requires a plan for informing and advising any small government that may be significantly or uniquely impacted by the proposed rule.

We have determined that this final rule will not impose a mandate that will result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of more than $100 million in any one year. Accordingly, we have not prepared a budgetary impact statement, specifically addressed the regulatory alternatives considered, or prepared a plan for informing and advising any significantly or uniquely impacted small government.

Congressional Review of Rulemaking

This rule is not a ''major'' rule as defined in Chapter 8 of 5 U.S.C.

Executive Order 13132

Executive Order 13132 on Federalism applies to policies that have federalism implications, defined as ''regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This rule does not have federalism implications as defined in the Executive order.

The Family Impact Requirement

Section 654 of the Treasury and General Government Appropriations Act of 1999 requires a family impact assessment affecting family well-being.

We have determined that this action will not affect the family. Therefore, no analysis or certification of the impact of this action was developed.

List of Subjects in 45 CFR Part 1303

Administrative Practice and Procedure, Education of the disadvantaged, Grant programs-social programs, Reporting and recordkeeping requirements.
PART='1303'≤

For the reasons set forth in the Preamble, 45 CFR part 1303 is amended to read as follows:

PART 1303—APPEAL PROCEDURES FOR HEAD START GRANTEES AND CURRENT OR PROSPECTIVE DELEGATE AGENCIES

1. The authority citation for part 1303 continues to read as follows:

Authority: 42 U.S.C. 9801 *et seq.*
'45' PART='1303'≤

2. Section 1303.14 is amended by republishing paragraph (c), introductory text, revising paragraphs (c)(1), (2) and (5); removing paragraph (e); redesignating paragraphs (d) and (f) through (j) as paragraphs (f) through (k); adding new paragraphs (c)(6), (d) and (e); and revising the newly redesignated paragraph (h), to read as follows:

§ 1303.14 Appeal by a grantee from a termination of financial assistance.

* * * * *

(c) A notice of termination shall set forth:

(1) The legal basis for the termination under paragraph (b) of this section, the factual findings on which the termination is based or reference to specific findings in another document that form the basis for the termination (such as reference to item numbers in an on-site review report or instrument), and citation to any statutory provisions, regulations, or policy issuances on which ACF is relying for its determination.

(2) The fact that the termination may be appealed within 30 days to the Departmental Appeals Board (with a copy of the appeal sent to the responsible HHS official and the Commissioner, ACYF) and that such appeal shall be governed by 45 CFR part 16, except as otherwise provided in the Head Start appeals regulations, and that any grantee that requests a hearing shall be afforded one, as mandated by 42. U.S.C. 9841.

* * * * *

(5) That the grantee's appeal must meet the requirements set forth in paragraph (d) of this section.

(6) That a failure by the responsible HHS official to meet the requirements of this paragraph may result in the dismissal of the termination action without prejudice, or the remand of that action for the purpose of reissuing it with the necessary corrections.

(d) A grantee's appeal must:

(1) Be in writing;

(2) Specifically identify what factual findings are disputed;

(3) Identify any legal issues raised, including relevant citations;

(4) Include an original and two copies of each document the grantee believes is relevant and supportive of its position (unless the grantee has obtained permission from the Departmental Appeals Board to submit fewer copies);

(5) Include any request for specifically identified documents the grantee wishes to obtain from ACF and a statement of the relevance of the requested documents, and a statement that the grantee has attempted informally to

obtain the documents from ACF and was unable to do so;

(6) Grantees may submit additional documents within 14 days of receipt of the documentation submitted by ACF in response to the grantee's appeal and initial submittals. The ACF response to the appeal and initial submittals of the grantee shall be filed no later than 30 days after ACF's receipt of the material. In response to such a submittal, ACF may submit additional documents should it have any, or request discovery in connection with the new documents, or both, but must do so within 10 days of receipt of the additional filings;

(7) Include a statement on whether the grantee is requesting a hearing; and

(8) Be filed with the Departmental Appeals Board and be served on the responsible HHS official who issued the termination notice and on the Commissioner of ACYF. The grantee must also serve a copy of the appeal on any delegate agency that would be financially affected at the time the grantee files its appeal.

(e) The Departmental Appeals Board sanctions with respect to a grantee's failure to comply with the provisions of paragraph (d) of this section are as follows:

(1) If in the judgment of the Departmental Appeals Board a grantee has failed to substantially comply with the provisions of the preceding paragraphs of this section, its appeal must be dismissed with prejudice.

(2) If the Departmental Appeals Board concludes that the grantee's failures are not substantial, but are confined to one or a few specific instances, it shall bar the submittal of an omitted document, or preclude the raising of an argument or objection not timely raised in the appeal, or deny a request for a document or other ''discovery'' request not timely made.

(3) The sanctions set forth in paragraphs (e)(1) and (2) of this section shall not apply if the Departmental Appeals Board determines that the grantee has shown good cause for its failure to comply with the relevant requirements. Delays in obtaining representation shall not constitute good cause. Matters within the control of its agents and attorneys shall be deemed to be within the control of the grantee.

* * * * *

(h) If the responsible HHS official initiated termination proceedings because of the activities of a delegate agency, that delegate agency may participate in the hearing as a matter of right. Any other delegate agency, person, agency or organization that wishes to participate in the hearing may request permission to do so from the Departmental Appeals Board. Any request for participation, including a request by a delegate agency, must be filed within 30 days of the grantee's appeal.

* * * * *

3. Section 1303.15 is amended by revising paragraphs (b)(2), (d)(1) and (d)(3), and adding new paragraphs (d)(4), (f), (g) and (h) to read as follows:

§ 1303.15 Appeal by a grantee from a denial of refunding.

(b) * * *

(2) Any such appeals must be filed within 30 days after the grantee receives notice of the decision to deny refunding.

* * * * *

(d) * * *

(1) The legal basis for the denial of refunding under paragraph (c) of this section, the factual findings on which the denial of refunding is based or references to specific findings in another document that form the basis for the denial of refunding (such as reference to item numbers in an on-site review report or instrument), and citation to any statutory provisions, regulations or policy issuances on which ACF is relying for its determination.

* * * * *

(3) If the responsible HHS official has initiated denial of refunding proceedings because of the activities of a delegate agency, the delegate agency may participate in the hearing as a matter of right. Any other delegate agency, person, agency or organization that wishes to participate in the hearing may request permission to do so from the Departmental Appeals Board. Any request for participation, including a request by a delegate agency, must be filed within 30 days of the grantee's appeal.

* * * * *

(4) A statement that failure of the notice of denial of refunding to meet the requirements of this paragraph may result in the dismissal of the denial of refunding action without prejudice, or the remand of that action for the purpose of reissuing it with the necessary corrections.

* * * * *

(f) If the responsible HHS official has initiated denial of refunding proceedings because of the activities of a delegate agency, that delegate agency may participate in the hearing as a matter of right. Any other delegate agency, person, agency or organization that wishes to participate in the hearing may request permission to do so from the Departmental Appeals Board. Any request for participation, including a request by a delegate agency, must be filed within 30 days of the grantee's appeal.

(g) Paragraphs (i), (j), and (k) of 45 CFR 1303.14 shall apply to appeals of denials of refunding.

(h) The Departmental Appeals Board sanctions with respect to a grantee's appeal of denial of refunding are as follows:

(1) If in the judgment of the Departmental Appeals Board a grantee has failed to substantially comply with the provisions of the preceding paragraphs of this section, its appeal must be dismissed with prejudice.

(2) If the Departmental Appeals Board concludes that the grantee's failure to comply is not substantial, but is confined to one or a few specific instances, it shall bar the submittal of an omitted document, or preclude the raising of an argument or objection not timely raised in the appeal, or deny a request for a document or other ''discovery'' request not timely made.

(3) The sanctions set forth in paragraphs (h)(1) and (2) of this section shall not apply if the Departmental Appeals Board determines that a grantee has shown good cause for its failure to comply with the relevant requirements. Delays in obtaining representation shall not constitute good cause. Matters within the control of its agents and attorneys shall be deemed to be within the control of the grantee.
PART='1303'≤

4. Section 1303.16 is amended by redesignating paragraphs (d) through (g) as paragraphs (e) through (h); adding a new paragraph (d); and revising newly redesignated paragraph (f) to read as follows:

§ 1303.16 Conduct of hearing.

* * * * *

(d) Prepared written direct testimony will be used in appeals under this part in lieu of oral direct testimony. When the parties submit prepared written direct testimony, witnesses must be available at the hearing for cross-examination and redirect examination. If a party can show substantial hardship in using prepared written direct testimony, the Departmental Appeals Board may exempt it from the requirement. However, such hardship must be more than difficulty in doing so, and it must be shown with respect to each witness.

* * * * *

(f) Any person or organization that wishes to participate in a proceeding may apply for permission to do so from the Departmental Appeals Board. This

application must be made within 30 days of the grantee's appeal in the case of the appeal of termination or denial of refunding, and as soon as possible after the notice of suspension has been received by the grantee. It must state the applicant's interest in the proceeding, the evidence or arguments the applicant intends to contribute, and the necessity for the introduction of such evidence or arguments.

5. Section 1303.17 is added to read as follows:

§ 1303.17 Time for hearing and decision.

(a) Any hearing on an appeal by a grantee from a notice of suspension, termination, or denial of refunding must be commenced no later than 120 days from the date the grantee's appeal is received by the Departmental Appeals Board. The final decision in an appeal whether or not there is a hearing must be rendered not later than 60 days after the closing of the record, i.e., 60 days after the Board receives the final authorized submission in the case.

(b) All hearings will be conducted expeditiously and without undue delay or postponement.

(c) The time periods established in paragraph(a) of this section may be extended if:

(1) The parties jointly request a stay to engage in settlement negotiations,

(2) Either party requests summary disposition; or

(3) The Departmental Appeals Board determines that the Board is unable to hold a hearing or render its decision within the specified time period for reasons beyond the control of either party or the Board.

Catalog of Domestic Assistance Program Number 93.600, Project Head Start)

Dated: June 16, 1999.

Olivia A. Golden,

Assistant Secretary for Children and Families.

Approved: October 5, 1999.

Donna E. Shalala,

Secretary.

[FR Doc. 00–2049 Filed 1–31–00; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. RSPA–97–2095; Amendment 195–66]

RIN 2137–AC 11

Pipeline Safety: Adoption of Consensus Standards for Breakout Tanks; Correction

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Correcting amendments.

SUMMARY: This document corrects a final rule published April 2, 1999 (64 FR 15926). The final rule incorporates by reference consensus standards for aboveground steel storage tanks into the hazardous liquid pipeline safety regulations. This document makes two minor corrections to the final rule. First, it adds an industry publication, American Petroleum Institute (API) 1130 to the list of incorporated references. Second, it corrects the reference to the API Standard 653 to include Addendum 2.

DATES: Effective February 1, 2000. The incorporation by reference of the publication stated in the rule was approved by the Director of the Federal Register as of February 1, 2000.

FOR FURTHER INFORMATION CONTACT: Mike Israni, (202) 366–4571, or e-mail: mike.israni@rspa.dot.gov.

SUPPLEMENTARY INFORMATION:

When RSPA published the final rule in the **Federal Register**, it inadvertently omitted industry publication API 1130, Computational Pipeline Monitoring (1st Edition, 1995), from 49 CFR 195.3, Matter incorporated by reference. This document corrects this omission in the reference list by adding a reference to API 1130 in § 195.3 (c)(2)(ii) and by renumbering subsequent references. Also, in the final rule the preamble section listed API Standard 653 (Addenda 1 and 2), but the regulatory text section listed API Standard 653 (Addendum 1). This document corrects this discrepancy by specifying API Standard 653 (Addenda 1 & 2) in both places. We regret any confusion these omissions may have caused.

List of Subjects in 49 CFR Part 195

Incorporation by reference, Breakout tanks, Hazardous liquids and Petroleum, Carbon dioxide, Pipeline safety, Reporting and recordkeeping requirements.

RSPA amends Part 195 of title 49 of the Code of Federal Regulations as follows:

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

Accordingly, 49 CFR Part 195 is corrected by making the following correcting amendments:

1. The authority citation for Part 195 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60118; and 49 CFR 1.53. PART='195'≤

2. In § 195.3, (c)(2) is amended by redesignating existing paragraphs (c)(2)(ii) through (c)(2)(xv) as (c)(2)(iii) through (c)(2)(xvi) respectively, by adding a new paragraph (c)(2)(ii) and by revising redesignated paragraph (c)(2)(xiv) to read as follows:

§ 195.3 Matter incorporated by reference.

* * * * *

(c) * * *

(2) * * *

(ii) API 1130 ''Computational Pipeline Monitoring'' (1st Edition, 1995).

* * * * *

(xiv) API Standard 653 ''Tank Inspection, Repair, Alteration, and Reconstruction'' (2nd edition, December 1995, including Addenda 1 & 2).

* * * * *

Issued in Washington, DC on October 27, 1999.

Kelley S. Coyner,

Administrator.

[FR Doc. 00–340 Filed 1–31–00; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AE20

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Blackburn's Sphinx Moth from the Hawaiian Islands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), determine *Manduca blackburni,* the Blackburn's sphinx moth, to be an endangered species under the Endangered Species Act of 1973, as amended (Act). Historically, this species occurred on the Hawaiian islands of Kauai, Oahu, Molokai, Maui, and Hawaii, but until

recently, was known only from one population on Maui. Researchers observed a second population on Maui in 1992, and populations are now known to also occur on the islands of Kahoolawe and Hawaii. This moth is currently threatened by one or more of the following: habitat fragmentation and destruction due to development and agricultural practices resulting in the loss of its host plants, habitat degradation due to the effects of introduced animals and plants, predation, parasitism, competition for food or space by alien insects, and overcollection by private and commercial collectors. Due to its restricted distribution, this species is also vulnerable to extinction from random, catastrophic events, such as drought or fire. This final rule implements the Federal protections provided by the Act for this moth.

EFFECTIVE DATE: March 2, 2000.

ADDRESSES: You may inspect the complete file for this rule, by appointment, during normal business hours at the Pacific Islands Ecoregion, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room 3–122, P.O. Box 50088, Honolulu, Hawaii 96850.

FOR FURTHER INFORMATION CONTACT: Robert Smith, Pacific Islands Manager, Ecological Services, Pacific Islands Ecoregion (see **ADDRESSES** section) (telephone: 808/541–2749; facsimile: 808/541-2756).

SUPPLEMENTARY INFORMATION:

Background

The Hawaiian archipelago includes eight large volcanic islands (Niihau, Kauai, Oahu, Molokai, Lanai, Kahoolawe, Maui, and Hawaii), as well as offshore islets, shoals, and atolls set on submerged volcanic remnants at the northwest end of the chain (the Northwestern Hawaiian Islands). Each island was formed sequentially from frequent, voluminous basaltic lava flows (Stearns 1985). The youngest island, Hawaii, is still volcanically active, and retains its form of coalesced, gently sloping, unweathered shield volcanoes (broadly rounded dome-shaped volcanoes formed by fluid and far-spreading lava flows). Vulcanism on the older islands has long since ceased, with subsequent erosion forming heavily weathered valleys with steep walls and well-developed streams and soils (Department of Geography 1983).

This range of topography creates a great diversity of climates. Windward (northeastern) slopes can receive up to 1,000 centimeters (cm) (400 inches (in)) of rain per year, while some leeward coasts that lie in the rain shadow of the high volcanoes are classified as deserts, receiving as little as 25 cm (10 in) of rain annually. This climate has given rise to a rich diversity of plant communities, including coastal, dryland, montane, subalpine, and alpine; dry, moderately moist, and wet; and herblands, grasslands, shrublands, forests, and mixed communities (Gagne and Cuddihy 1990). These habitats support one of the most unusual arthropod faunas in the world, with an estimated 10,000 native species (Howarth 1990). Unusual characters of Hawaii's native arthropod fauna include the absence of social insects, such as ants and termites, extremely small geographic ranges, novel ecological shifts (unusual behavior and/or habitat), flightlessness, and loss of certain antipredator behaviors (Howarth 1990; Simon *et al.* 1984; Zimmerman 1948, 1970).

Blackburn's sphinx moth (*Manduca blackburni*) is Hawaii's largest native insect, with a wingspan of up to 12 cm (5 in). Like other sphinx moths (family Sphingidae), it has long, narrow forewings and a thick, spindle-shaped body tapered at both ends. It is grayish brown in color, with black bands across the apical (top) margins of the hind wings and five orange spots along each side of the abdomen. The larva is a typical, large ''hornworm'' caterpillar, with a spinelike process on the dorsal (upper) surface of the eighth abdominal segment. Caterpillars occur in two color forms, a bright green or a grayish phase. Both color forms have scattered white speckles throughout the dorsum (back), with the lateral (side) margin of each segment bearing a horizontal white stripe, and segments four to seven bearing diagonal stripes on the lateral margins (Zimmerman 1958; Betsy Gagne, Hawaii Department of Land and Natural Resources, pers. comm. 1998).

Blackburn's sphinx moth is closely related to the tomato hornworm (*Manduca quinquemaculata*) and has been confused with this species. Blackburn's sphinx moth was described by Butler (1880) as *Protoparce blackburni,* and named in honor of the Reverend Thomas Blackburn, who collected the first specimens. It was believed to be the same as the tomato hornworm (*Sphinx celeus* Hubner=*Sphinx quinquemaculatus* Hawthorn) by Meyrick (1899), and then treated as a subspecies (Rothschild and Jordan 1903, as cited by Riotte 1986) and placed in the genus *Phlegethontius* (Zimmerman 1958). Riotte (1986) demonstrated that Blackburn's sphinx moth is a distinct taxon in the genus *Manduca,* native to the Hawaiian Islands, and reinstated it as a full species, *Manduca blackburni.* D'Abrera (1986) tentatively considered *Manduca blackburni* to be a synonym of *Manduca quinquemaculata,* but subsequent authors (Howarth and Mull 1992; Nishida 1992) have disagreed with this view, and the findings of Riotte (1986) are accepted here. Several different common names have also been used for this species, including the tomato hawk-moth (Swezey 1924b), the tobacco hornworm (Browne 1941; van Dine 1905), the Hawaiian tobacco worm (Swezey 1931; Timberlake *et al.* 1921), the Hawaiian tomato hornworm (Fullaway and Krauss 1945; Zimmerman 1958), the Blackburn hawk moth (Hawaiian Entomological Society (HES) 1990; Howarth and Mull 1992), and Blackburn's sphinx moth (Service 1984). The name Blackburn's sphinx moth is used here.

In Hawaii, Blackburn's sphinx moth can be confused with the related sweetpotato hornworm (*Herse cingulata*). In contrast to the sweetpotato hornworm, adult Blackburn's sphinx moths can be distinguished by orange rather than white dorsal abdominal spots, with black borders on both the front and back margins of each segment, and a broader, marginal black band on the hind wing. The larvae of Blackburn's sphinx moth differ from those of the tomato hornworm and tobacco hornworm by having two dark longitudinal stripes on the head capsule, although this is not always the case. While these stripes are usually apparent in the dark phase, they are not always apparent in the green phase (Ellen VanGelder, University of Hawaii, pers. comm. 1997). Adult Blackburn's sphinx moth can be distinguished from the North American tomato hornworm and tobacco hornworm (*Manduca sexnotata*) by the presence of crescent-shaped white markings along the inner border of the black bands on the forewing (B. Gagne, pers. comm. 1998).

Larvae of Blackburn's sphinx moth feed on plants in the nightshade family (Solanaceae). The natural host plants are native shrubs in the genus *Solanum* (popolo), and the native tree, *Nothocestrum latifolium* ('aiea) (Riotte 1986), on which the larvae consume leaves, stems, flowers, and buds (B. Gagne, pers. comm. 1994). However, many of the host plants recorded for this species are not native to the Hawaiian Islands, and include *Nicotiana tabacum* (commercial tobacco), *Nicotiana glauca* (tree tobacco), *Solanum melongena* (eggplant), *Lycopersicon esculentum* (tomato), and possibly *Datura stramonium* (Jimson weed) (Riotte 1986). Development from egg to adult

can take as little as 56 days (Williams 1947), but pupae may remain in a state of torpor (inactivity) in the soil up to a year (Williams 1931; B. Gagne, pers. comm. 1994). Adult moths can be found throughout the year (Riotte 1986).

Historically, Blackburn's sphinx moth has been recorded from the islands of Kauai, Oahu, Molokai, Maui, and Hawaii, and collected from sea level to 760 meters (m) (2,500 feet (ft)) (Riotte 1986). Most historical records were from coastal, lowland, and dryland forest habitats in areas receiving less than 120 cm (50 in) annual rainfall. It appears that this moth was historically most common on Maui (Riotte 1986).

Very few specimens of this species have been seen since 1940, and after a concerted effort by staff at the B.P. Bishop Museum to relocate this species in the late 1970's, it was considered to be extinct (Gagne and Howarth 1985). In 1984, a single population was discovered on Maui (first Maui site or population) (Riotte 1986). The population is located on private and State lands, of which parts lie within a natural area reserve, part is used by the Hawaii National Guard for military training, and part is administered by the Department of Hawaiian Homelands. Between 1986 and 1991, a total of 6 specimens were taken in light traps 16 kilometers (km) (10 miles (mi)) from where the original population was discovered in 1984. These findings may indicate the presence of an additional population (Patrick Conant, Hawaii Department of Agriculture, pers. comm. 1994), although adult moths are strong fliers and these specimens could have originated at the known population. Identification of two larvae and signs of two additional larvae occurred in January 1997, although subsequent searches in September 1996 (Conant and VanGelder 1997) did not reveal any signs of eggs or larvae. Larvae are known to feed on 'aiea and tree tobacco (Frank Howarth, B.P. Bishop Museum, *in litt.* 1994), but the number of larvae and adults produced each year is unknown.

A second Maui site or population is known from one adult and one larvae observed in 1992 feeding on commercial tobacco in another location on private land near sea level (Fern Duvall, Division of Forestry and Wildlife (DOFAW), pers. comm. 1998), and from three larvae observed on tree tobacco on State land on Maui in January 1997, and again from the same number of larvae observed in February 1998 (F. Duvall, pers. comm. 1998). While researchers observed five to six eggs on tree tobacco in 1997, they found no eggs and no adults at the same site in 1998. There are no native host plants in this area (F. Duvall, pers. comm. 1998).

In December 1997, researchers discovered a population of Blackburn's sphinx moth on the State-owned island of Kahoolawe (Arthur Medeiros, U.S. Geological Survey (USGS)—Biological Resources Division (BRD), *in litt.* 1998). This finding is the first record of the species on this island, and thus represents an extension of the species known range. Subsequent surveys (February and March 1998) indicate a population exists on Kahoolawe, with egg and larval densities (114 eggs and 93 larvae on 57 percent of tree tobacco plants searched) comparable to those at the Maui site (A. Medeiros, *in litt.* 1998). In addition, a fourth population of an unknown number of individuals was recently discovered (April 1998) on State land on the island of Hawaii (A. Medeiros, *in litt.* 1998), and a single, adult individual was observed in April 1998 in a different location on the island of Hawaii (Steve L. Montgomery, Hawaii Conservation Council, pers. comm. 1998). There are no native *Nothocestrum* plants at this site, but both *Nicotiana* and *Solanum* are present in the area (S.L. Montgomery, pers. comm. 1998). On Kahoolawe, where the native host plant, 'aiea, is not found, eggs and larvae are known to occur on the non-native tree tobacco (A. Medeiros, *in litt.* 1998). Eggs and larvae of the Hawaii population of Blackburn's sphinx moth were found only on tree tobacco, although *Nothocestrum breviflorum* ('aiea) is also present in the area (A. Medeiros, *in litt.* 1998).

Previous Federal Action

An initial comprehensive Notice of Review for Invertebrate Animals was published in the **Federal Register** on May 22, 1984 (49 FR 21664). In this notice we identified Blackburn's sphinx moth as a category 3A taxon under the Act of 1973, as amended (16 U.S.C. 1533 *et seq.*). Category 3A taxa were those for which we had persuasive evidence of extinction. We published an updated Notice of Review for animals on January 6, 1989 (54 FR 554). Although Blackburn's sphinx moth had been rediscovered by 1985, in the 1989 Notice of Review, this taxon was again identified as category 3A. In the next Notice of Review on November 15, 1994 (59 FR 58982), this species was reclassified as a category 1 candidate for listing. Category 1 candidates were those taxa for which we had on file sufficient information on biological vulnerability and threats to support preparation of listing proposals. Beginning with our February 28, 1996, Notice of Review (61 FR 7596), we discontinued the designation of multiple categories of candidates, and only those taxa meeting the definition of former category 1 candidates are now considered candidates for listing purposes. In the February 28, 1996, Notice of Review, we identified Blackburn's sphinx moth as a candidate species (61 FR 7596). A proposed rule to list Blackburn's sphinx moth as endangered was published on April 2, 1997 (62 FR 15640). In the September 19, 1997, Notice of Review (62 FR 49398), this species was included as proposed for endangered status.

The processing of this final rule conforms with our Listing Priority Guidance published in the **Federal Register** on October 22, 1999 (64 FR 57114). The guidance clarifies the order in which we will process rulemakings. Highest priority is processing emergency listing rules for any species determined to face a significant and imminent risk to its well-being (Priority 1). Second priority (Priority 2) is processing final determinations on proposed additions to the lists of endangered and threatened wildlife and plants. Third priority is processing new proposals to add species to the lists. The processing of administrative petition findings (petitions filed under section 4 of the Act) is the fourth priority. The processing of critical habitat determinations (prudency and determinability decisions) and proposed or final designations of critical habitat will no longer be subject to prioritization under Listing Priority Guidance. Processing of this final rule is a Priority 2 action. We have updated this rule to reflect any changes in information concerning distribution, status, and threats since the publication of the proposed rule.

Summary of Comments and Recommendations

In the April 2, 1997, proposed rule and associated notifications, we invited all interested parties to submit factual reports or information that might contribute to the development of the final rule. The public comment period ended June 2, 1997. Appropriate Federal and State agencies, county governments, scientific organizations, and other interested parties were contacted and requested to comment. We published newspaper notices inviting public comment in the *Maui News* on April 18, 1997, and in the *Honolulu Star-Bulletin* and *Honolulu Advertiser* on April 21, 1997.

During the public comment period, we received comments from five parties. All parties supported the listing of Blackburn's sphinx moth as endangered.

None of the comments included additional information on the numbers of individuals and populations of the moth species. One of the comments suggested that listing will assist in the recovery of this species; one comment indicated that listing may aid in promoting conservation measures (*e.g.,* fencing and weed control) that will assist the species; and one comment indicated that cooperative efforts between a variety of interested groups would be beneficial to the species. One commentor noted that he has been working closely with several groups, including us, to preserve the unique native habitat of dryland forest of Auwahi and Kanaio. The Hawaii Division of Forestry and Wildlife supported the listing of Blackburn's sphinx moth and at the same time expressed ''reservations'' about future listings of Hawaiian insects and the limited resources available for attainable recovery goals. One commentor noted that the listing would have little or no impact on the Hawaii Army National Guard's mission at Kanaio.

Peer Review

In accordance with our policy published in the **Federal Register** on July 1, 1994 (59 FR 34270), we also solicited the expert opinions of three appropriate and independent specialists regarding pertinent scientific or commercial data and assumptions relating to the taxonomy, population models, and supportive biological and ecological information for this species. We received no responses.

During the public comment period we received two letters from Arthur C. Medeiros, USGS–BRD, that included information on the newly discovered populations of Blackburn's sphinx moth. Steve L. Montgomery, Hawaii Conservation Council, provided us information on a recent moth sighting on the island of Hawaii, and Dr. Fern Duvall, DOFAW, provided information on moth larvae and eggs observed in two additional areas of Maui. We have included this information in this final rule.

Summary of Factors Affecting This Species

Section 4 of the Endangered Species Act and the regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to Blackburn's sphinx moth (*Manduca blackburni*) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Native vegetation on all of the main Hawaiian Islands has undergone extreme alteration because of past and present land management practices including ranching, agricultural development, and deliberate introductions of alien animals and plants (Cuddihy and Stone 1990; Wagner *et al.* 1985). One of the primary threats facing Blackburn's sphinx moth is destruction of its habitat by feral (returned to an untamed state) animals. It is believed that the endemic plant, *Nothocestrum latifolium* ('aiea), which is important for the survival of Blackburn's sphinx moth, is directly or indirectly affected by feral animals. All four species of *Nothocestrum, N. latifolium, N. breviflorum, N. longifolium,* and *N. peltatum,* occur in dry to mesic (moderate moisture) forests, the habitat in which Blackburn's sphinx moth was most frequently recorded. Two species, *N. peltatum* on Kauai and *N. breviflorum* on Hawaii, are now federally endangered species (59 FR 3904, 59 FR 55770) due to severe degradation of dry forest habitats. *N. latifolium* occurs on Kauai, Oahu, Molokai, Lanai, and Maui. It is not presently a protected species, but it is declining and uncommon on all these islands (Hawaiian Heritage Program (HHP) 1993; Medeiros *et al.* 1993). The stand of trees at the first Maui site of Blackburn's sphinx moth may be the largest in the State (Medeiros *et al.* 1993) and plays an important role in supporting a population of this moth species (A. Medeiros, pers. comm. 1994).

Although *Nothocestrum latifolium* presently occurs at moderate densities at the first Maui site location of Blackburn's sphinx moth (HHP 1993), there is no seedling survival (Medeiros *et al.* 1993) and the stand is in a degraded condition as a result of the presence of feral goats (*Capra hircus*) (Medeiros *et al.* 1993; F. G. Howarth, pers. comm. 1994; S.L. Montgomery, pers. comm. 1994). Goats were introduced to the Hawaiian Islands in 1792 and are now abundant in dry forests on Kauai, Molokai, Maui, and Hawaii, where they consume native vegetation, trample roots and seedlings, accelerate erosion, and promote the invasion of alien plants (Stone 1985; van Riper and van Riper 1982). *Bocconia frutescens* (tree poppy) is one alien plant that is spreading due to the activity of goats at the Maui Blackburn's sphinx moth site. Tree poppy was first discovered in the Hawaiian Islands in 1920 and is now naturalized in dry forests on Maui and mesic forests on Hawaii (Medeiros *et al.* 1993; Symon 1990). On Maui, this fast-growing shrub is a serious threat to the native host plant of Blackburn's sphinx moth primarily through displacement and shading of immature plants (Medeiros *et al.* 1993; B. Gagne, pers. comm. 1994).

While the endangered *Nothocestrum breviflorum* is reported in the area of the Hawaii population of Blackburn's sphinx moth (Marie Bruegmann, Service, pers. comm. 1998), there are no recorded associations of either eggs, larvae, or adults with this species. These trees are primarily threatened by habitat conversion associated with development; competition from alien species such as *Schinus terebinthifolius* (Christmas berry), *Pennisetum setaceum* (fountain grass), *Lantana camara* (lantana), and *Leucaena leucocephala* (koa haole); browsing by cattle; fire; and random environmental events; and reduced reproductive vigor due to the small number of existing individuals (59 FR 10312).

Although *Nothocestrum* is not reported from Kahoolawe, there were very few surveys of this island prior to the intense ranching activities, that began in the middle of the last century, and the subsequent use of the island as a weapons range for the past 50 years. Prior to their removal, goats played a major role in the destruction of vegetation on Kahoolawe (Cuddihy and Stone 1990). It is likely that the reappearance of some vegetation as a result of the removal of the goats and the cessation of military bombing activities, has allowed Blackburn's sphinx moth to gain a foothold on the island. Although on the island of Kahoolawe the vegetation on which Blackburn's sphinx moth is currently dependent is alien and appears to adequately support production and growth of the sphinx moth, it is believed that the native host plant, 'aiea, is important to the survival of this species (A. Medeiros, pers. comm. 1998). Restoration of the native forests on Kahoolawe would benefit Blackburn's sphinx moth as well as other native plants and invertebrates on the island.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Rare butterflies and moths are highly prized by collectors, and an international trade exists for insect specimens for both live and decorative markets, as well as the specialist trade that supplies hobbyists, collectors, and

researchers (Morris *et al.* 1991; Williams 1996). The specialist trade differs from both the live and decorative market in that it concentrates on rare and threatened species (US Department of Justice (USDJ) 1993). In general, the rarer the species, the more valuable it is, and prices may exceed US $2,000 for rare specimens (Morris *et al.* 1991). For example, during a 4-year investigation, special agents of the Service's Division of Law Enforcement executed warrants and seized over 30,000 endangered and/or protected butterflies and beetles with a wholesale commercial market value of about $90,000 in the United States. The defendant, who was convicted, sold these rare butterflies and beetles in malls and State fairs (USDJ 1995). In another case, special agents found at least 13 species protected under the Act, and another 130 species illegally taken from lands administered by the Department of the Interior (USDJ 1995). The three men involved were convicted of poaching and commercial trade of butterflies protected under the Act (US Fish and Wildlife Service 1995; Williams 1996).

Sphinx moths, in general, are sought by collectors, and, as early as the 1950's, there was a standing reward for specimens of another rare Hawaiian sphinx moth (*Tinostoma smargditis*) (Zimmerman 1958). Specimens of Blackburn's sphinx moth have already been secured and traded by collectors and institutions (Dave Preston, B.P. Bishop Museum, pers. comm. 1994). According to unconfirmed reports specimens of Blackburn's sphinx moth from the Maui site are appearing in the specialist trade (A. Medeiros, pers. comm. 1998). Listing the species as federally endangered will increase its attractiveness to collectors (USDJ 1993). Unrestricted collecting and handling for scientific purposes are known to impact populations of other species of rare Lepidoptera (Murphy 1988), and are considered significant threats to Blackburn's sphinx moth. Because of the high value accorded such rarities, field collectors often take all individuals available (Morris *et al.* 1991). Even limited collection from the small populations of Blackburn's sphinx moth can have deleterious effects on its reproductive or genetic viability and lead to the eventual extinction of this species.

C. Disease or Predation

The geographic isolation of the Hawaiian Islands restricted the number of original successful colonizing arthropods and resulted in the development of an unusual fauna. An unusually small number (15 percent) of the known families of insects are represented by native Hawaiian species (Howarth 1990). Some groups that often dominate continental arthropod faunas, such as social Hymenoptera (group nesting ants, bees, and wasps), are entirely absent from the native fauna. Commercial shipping and air cargo to Hawaii have now resulted in the establishment of over 2,500 species of alien arthropods (Howarth 1990; Howarth *et al.* 1994), with a continuing establishment rate of 10–20 new species per year (Beardsley 1962, 1979). In addition to the accidental establishment of alien species, private individuals and government agencies began importing and releasing alien predators and parasites for biological control of pests as early as 1865. These efforts resulted in the introduction of 243 alien species between 1890 and 1985, in some cases with the specific intent of reducing populations of native Hawaiian insects (Funasaki *et al.* 1988; Lai 1988). Alien arthropods, whether purposefully or accidentally introduced, pose the most serious threat to Hawaii's native insects, through direct predation and parasitism, and competition for food or space (Howarth and Medeiros 1989; Howarth and Ramsay 1991).

Ants are not a natural component of Hawaii's arthropod fauna, and native species evolved in the absence of predation pressure from ants. Ants can be particularly destructive predators because of their high densities, recruitment behavior, aggressiveness, and broad range of diet (Reimer 1993). Because they are generalist feeders, ants may affect prey populations independently of prey density, and may locate and destroy isolated individuals and populations (Nafus 1993a). At least 36 species of ants are known to be established in the Hawaiian Islands, and 3 particularly aggressive species have severely affected the native insect fauna (Zimmerman 1948). The island of Kahoolawe has not been extensively surveyed at this time, but since ants have adult winged reproductives, once established in Hawaii in general, they are likely to colonize suitable habitats on all islands in time, and several species are already known to occur on Kahoolawe. By the late 1870's, the big-headed ant (*Pheidole megacephala*) was present in Hawaii, and its predation on native insects was noted by Perkins (1913) who stated, ''It may be said that no native Hawaiian Coleoptera insect can resist this predator, and it is practically useless to attempt to collect where it is well established. Just on the limits of its range one may occasionally meet with a few native beetles, *e.g.*, species of *Plagithmysus*, often with these ants attached to their legs and bodies, but sooner or later they are quite exterminated from these localities.''

With few exceptions, in areas where the big-headed ant is present, native insects, including most moths, are eliminated (Gagne; 1979; Gillespie and Reimer 1993; Perkins 1913). The big-headed ant generally does not occur at elevations higher than 600 m (2,000 ft), and is also restricted by rainfall, rarely being found in particularly dry (less than 35–50 cm (15–20 in) annually) or wet areas (more than 250 cm (100 in) annually) (Reimer *et al.* 1990). The big-headed ant is also known to be a predator of eggs and caterpillars of native Lepidoptera, and can completely exterminate populations (Illingworth 1915; Zimmerman 1958). This ant occurs at the first Blackburn's sphinx moth Maui site and is a direct threat to this population (Medeiros *et al.* 1993). Big-headed ants also occur on Kahoolawe and Hawaii (A. Medeiros, pers. comm. 1998).

The Argentine ant (*Iridomyrmex humilis*) was discovered on the island of Oahu in 1940 (Zimmerman 1941) and is now established on all the main islands. Unlike the big-headed ant, the Argentine ant is primarily confined to elevations higher than 500 m (1,600 ft) in areas of moderate rainfall (Reimer *et al.* 1990). This species can reduce populations or even eliminate native arthropods at high elevations in Haleakala National Park on Maui (Cole *et al.* 1992). On Maui, within 16 km (10 mi) of the Blackburn's sphinx moth population, Argentine ants are significant predators on pest fruit flies (Wong *et al.* 1984). Argentine ants have also been reported on the islands of Kahoolawe and Hawaii (Adam Asquith, Service, and A. Medeiros, pers. comm. 1998).

The long-legged ant (*Anoplolepis longipes*) appeared in Hawaii in 1952 and now occurs on Oahu, Maui, and Hawaii (Reimer *et al.* 1990). It inhabits elevations under 600 m (2,000 ft), in rocky areas with moderate annual rainfall of less than 250 cm (100 in) (Reimer *et al.* 1990). Direct observations indicate that Hawaiian arthropods are susceptible to predation by this species (Gillespie and Reimer 1993), and Hardy (1979) documented the disappearance of most native insects from Pua'alu'u in the Kipahulu District on Maui after the area was invaded by the long-legged ant.

At least two species of fire ants, *Solenopsis geminita* and *Solenopsis papuana*, are also important threats (Gillespie and Reimer 1993; Reagan 1986) and occur on all of the major islands (Reimer *et al.* 1990). Ants,

including the fire ant, *S. geminita*, are known to be the most important and consistent mortality factor on eggs, and probably larvae, of the butterfly *Hypolimnas bolina* in Guam, even where both predator and prey are native (Nafus 1993a, 1993c). *Solenopsis geminita* occurs at the Maui moth location (A. Medeiros, pers. comm. 1998). *Solenopsis geminita* is also known to be a significant predator on pest fruit flies in Hawaii (Wong and Wong 1988). *Solenopsis papuana* is the only abundant, aggressive ant that has invaded intact mesic forest above 600 m (2,000 ft) and is still expanding its range in Hawaii (Reimer 1993).

Ochetellus glaber (No Common Name (NCN)), a recently reported ant introduction, occurs in the same habitat utilized on Kahoolawe by Blackburn's sphinx moth (A. Medeiros, pers. comm. 1998). *Ochetellus glaber* was found in relatively high numbers foraging on shrubs of *Nicotiana* where eggs and larvae of the sphinx moth occur. In one instance, large numbers of *Ochetellus glaber* were observed emerging from a dead moth larvae they had either predated or scavenged (A. Medeiros, pers. comm. 1998).

On Kahoolawe, a large proportion of tagged Blackburn's sphinx moth eggs disappeared without hatching, potentially indicating high egg predation, likely by ants, but perhaps by birds, or dislodging by high winds (A. Medeiros, pers. comm. 1998).

Hawaii also has a limited fauna of native Hymenoptera wasp species, with only two native species in the family Braconidae (Beardsley 1961), neither of which attack Blackburn's sphinx moth. In contrast, species of Braconidae are common predators (parasitoids) on the larvae of the tobacco hornworm and the tomato hornworm in North America (Gilmore 1938). At least 74 alien species, in 41 genera, of braconid wasps are now established in Hawaii, of which at least 35 species were purposefully introduced as biological control agents (Nishida 1992). Most species of alien Braconidae and Ichneumonidae wasps parasitic on Lepidoptera are not host specific, but attack the caterpillars or pupae of a variety of moths (Funasaki *et al.* 1988; Zimmerman 1948, 1978) and have become the dominant larval parasitoids even in intact, high-elevation, native forest areas of Hawaii (Howarth *et al.* 1994; Zimmerman 1948). These wasps lay their eggs in the eggs or caterpillars of Lepidoptera. Upon hatching, the wasp larvae consume internal tissues, eventually destroying the host. At least one species established in Hawaii, *Hyposeter exiguae* (NCN), is known to attack the tobacco hornworm and the related tomato hornworm in North America (Carlson 1979). This wasp is recorded from all of the main islands except Lanai (Nishida 1992) and is a recorded parasitoid of the lawn armyworm (*Spodoptera maurita*) on tree tobacco on Maui, an alternate host of Blackburn's sphinx moth (Swezey 1927). No direct documentation exists of alien braconid and ichneumonid wasps parasitizing Blackburn's sphinx moth because of its rarity, but given the abundance and the breadth of available hosts of these wasps, they are considered significant threats to this species (Gagne and Howarth 1985; Howarth 1983; Howarth *et al.* 1994; F. G. Howarth, pers. comm. 1994).

Small wasps in the family Trichogrammatidae parasitize insect eggs, with numerous adults sometimes developing within a single host egg. The taxonomy of this group is confusing, and it is unclear if Hawaii has any native species (Nishida 1992, John Beardsley, University of Hawaii, pers. comm. 1994). Several alien species are established in Hawaii (Nishida 1992), including *Trichogramma minutum* (NCN), which is known to attack the sweet potato hornworm in Hawaii (Fullaway and Krauss 1945). In 1929, the wasp *Trichogramma chilonis* (NCN) was purposefully introduced into Hawaii as a biological control agent for the Asiatic rice borer (*Chilo suppressalis*) (Funasaki *et al.* 1988). This wasp parasitizes the eggs of a variety of Lepidoptera in Hawaii, including sphinx moths (Funasaki *et al.* 1988). Williams (1947) found 70 percent of the eggs of Blackburn's sphinx moth to be parasitized by a *Trichogramma* wasp that was probably this species. Over 80 percent of the eggs of the alien grasswebworm (*Herpetogramma licarsisalis*) in Hawaii are parasitized by these wasps (Davis 1969). In Guam, *Trichogramma chilonis* effectively limits populations of the sweetpotato hornworm (Nafus and Schreiner 1986), and the sweet potato hornworm is considered under complete biological control by this wasp in Hawaii (Lai 1988). While this wasp probably affects Blackburn's sphinx moth in a density-dependent manner (Nafus 1993a), and theoretically is unlikely to directly cause extinction of a population or the species, the availability of more abundant, alternate hosts (any other lepidopteran eggs) may allow for the extirpation of Blackburn's sphinx moth by this or other egg parasites as part of a broader host base (Howarth 1991; Nafus 1993b; Tothill *et al.* 1930).

Hawaii has no native parasitic flies in the family Tachinidae (Nishida 1992). Two species of tachinid flies, *Lespesia archippivora* (NCN) and *Chaetogaedia monticola* (NCN), were purposefully introduced to Hawaii for control of army worms (Funasaki *et al.* 1988; Nishida 1992). These flies lay their eggs externally on caterpillars, and upon hatching, the larvae burrow into the host, attach to the inside surface of the cuticle, and consume the soft tissues (Etchegaray and Nishida 1975b). In North America, *Chaetogaedia monticola* is known to attack at least 36 species of Lepidoptera in 8 families, including sphinx moths; *Lespesia archippivora* is known to attack over 60 species of Lepidoptera in 13 families, including sphinx moths (Arnaud 1978). These species are on record as parasites of a variety of Lepidoptera in Hawaii and are believed to depress populations of at least two native species of moths (Lai 1988). Over 40 percent of the caterpillars of the monarch butterfly (*Danaus plexippus*) on Oahu are parasitized by *Lespesia archippivora* (Etchegaray and Nishida 1975a), and the introduction of a related species to Fiji resulted in the extinction of a native moth there (Howarth 1991; Tothill *et al.* 1930). Both of these species occur on Maui and are direct threats to Blackburn's sphinx moth.

D. The Inadequacy of Existing Regulatory Mechanisms

Blackburn's sphinx moth occurs on State-owned and private lands. This species currently receives no formal protection on any of these lands.

Federal listing would automatically invoke listing under Hawaii State law, which prohibits taking and encourages conservation by State government agencies. Hawaii's Endangered Species Act (HRS, Sect. 195D–4(a)) states, ''Any species of aquatic life, wildlife, or land plant that has been determined to be an endangered species pursuant to the (Federal) Endangered Species Act shall be deemed to be an endangered species under the provisions of this chapter and any indigenous species of aquatic life, wildlife, or land plant that has been determined to be a threatened species pursuant to the (Federal) Endangered Species Act shall be deemed to be a threatened species under the provisions of this chapter.'' Further, the State may enter into agreements with Federal agencies to administer and manage any area required for the conservation, management, enhancement, or protection of endangered species (HRS, Sect. 195D–5(c)). Funds for these activities could be made available under section 6 of the Federal Act (State Cooperative Agreements).

Alien predatory and parasitic insects are an important reason for the reduction in range and abundance of Blackburn's sphinx moth, and may be the most serious present threat to its continued existence. Some of these alien species were intentionally introduced by the State of Hawaii's Department of Agriculture or other agricultural agencies (Funasaki *et al.* 1988), and importations and augmentations of lepidopteran parasitoids continue. Federal regulations for the introductions of biocontrol agents have not adequately protected this species (Lockwood 1993). Presently, there are no Federal statutes that require biocontrol agents to be reviewed before they are introduced, and the limited Federal review process requires consideration of potential harm only to economically important species (Miller and Aplet 1993). Although the State of Hawaii requires that new introductions be reviewed before release (HRS Chapt. 150A), postrelease biology and host range cannot be predicted from laboratory studies (Gonzalez and Gilstrap 1992; Roderick 1992), and the purposeful release or augmentation of any lepidopteran predator or parasitoid is a potential threat to Blackburn's sphinx moth (Gagne; and Howarth 1985; Simberloff 1992).

E. Other Natural or Manmade Factors Affecting Its Continued Existence

The small, restricted populations of Blackburn's sphinx moth increase the potential for extinction from random events. Sphinx moths are typically strong fliers and likely existed as a series of metapopulations on the various islands (Harrison *et al.* 1988). Considerable intra-island movement between populations and continued colonizations and extinctions in new localities probably occurred, accounting for the historical records in tobacco crops and gardens (Swezey 1924a, 1924b; Zimmerman 1958). The apparent extirpation of this moth at most lower elevations and in more mesic areas is thought to correlate with the presence of alien predators and parasitoids and the loss of its preferred host plants. Thus, if any of the known populations of the Blackburn's sphinx moth is severely reduced in size, little potential exists for recolonization or ''rescue'' (Brown and Kodric-Brown 1977) of the remaining population by immigrants (Arnold 1983). Research studies at the first Maui site suggest that during the recent drought period, proportionally more eggs and larvae occurred on 'aiea than on tree tobacco, in a general reversal of the trend during normal rainfall conditions (A. Medeiros, pers. comm. 1998). Tree tobacco is a quick-growing, pioneer shrub, while 'aiea is a slow-growing, drought-adapted, long-lived native tree that does well in drought periods when tree tobacco is dying or losing its foliage (A. Medeiros, pers. comm. 1998). This adaptation emphasizes the importance of the native host plant to the survival of Blackburn's sphinx moth.

We carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. This species is threatened by habitat degradation by introduced animals and loss of its native host plant, overcollection, and predation by ants and alien parasitoid wasps. The small number of populations of this species also makes it susceptible to extinction from random events. Because this species is in danger of extinction throughout all of its range, it fits the definition of endangered as defined in the Act. Based on this evaluation, we find that the Blackburn's sphinx moth should be listed as endangered. Although we have considered all available alternatives to this action, such alternatives would not be in accordance with the Act. Listing the species as a threatened species would not accurately reflect the status of Blackburn's sphinx moth based on the information available.

Critical Habitat

Critical habitat is defined in section 3 of the Act as the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features essential to the conservation of the species and that may require special management considerations or protection; and specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures needed to bring the species to the point at which listing under the Act is no longer necessary.

Critical habitat designation directly affects only Federal agency actions through consultation under section 7(a)(2) of the Act. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or destroy or adversely modify its critical habitat.

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, we designate critical habitat at the time the species is determined to be endangered or threatened. Our regulations (50 CFR 424.12(a)(1)) state that the designation of critical habitat is not prudent when one or both of the following situations exist—(1) the species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

The Final Listing Priority Guidance for FY 1999/2000 (64 FR 57114) states that the processing of critical habitat determinations (prudency and determinability decisions) and proposed or final designations will no longer be subject to prioritization under the Listing Priority Guidance. Critical habitat determinations, which were previously included in final listing rules published in the **Federal Register**, may now be processed separately, in which case stand-alone critical habitat determinations will be published as notices in the **Federal Register**. We will undertake critical habitat determinations and designations during FY 2000 as allowed by our funding allocation for that year. As explained in detail in the Listing Priority Guidance, our listing budget is currently insufficient to allow us to immediately complete all of the listing actions required by the Act.

In the proposed rule, we indicated that designation of critical habitat was not prudent for Blackburn's sphinx moth because of a concern that publication of precise maps and descriptions of critical habitat in the **Federal Register** could lead to incidents of vandalism and destruction of habitat, as well as take by insect collectors. We also indicated that designation of critical habitat was not prudent because we believed it would not provide any additional benefit beyond that provided through listing as endangered. In the last few years, a series of court decisions have overturned Service determinations regarding a variety of species that designation of critical habitat would not be prudent (e.g., *Natural Resources Defense Council* v. *U.S. Department of the Interior* 113 F. 3d 1121 (9th Cir. 1997); *Conservation Council for Hawaii* v. *Babbitt,* 2 F. Supp. 2d 1280 (D. Hawaii 1998)). Based on the standards applied in those judicial opinions, we have re-examined the question of

whether critical habitat for Blackburn's sphinx moth would be prudent.

Due to the small number of populations, Blackburn's sphinx moth is vulnerable to unrestricted collection, vandalism, or other disturbance. Rare butterflies and moths are highly prized by collectors and an international, commercial trade exists for insect specimens which are sought for both live and decorative markets, as well as the specialist trade that supplies hobbyists, collectors, and researchers (Morris *et al.* 1991) (see Factor B). We are concerned that these threats might be exacerbated by the publication of critical habitat maps and further dissemination of locational information. However, consistent with recent case law, at this time, we believe there may be benefits of critical habitat designation in some areas that may outweigh the risks.

In the case of this species, there may be some benefits to designation of critical habitat. The primary regulatory effect of critical habitat is the section 7 requirement that Federal agencies refrain from taking any action that destroys or adversely modifies critical habitat. While a critical habitat designation for habitat currently occupied by this species would not be likely to change the section 7 consultation outcome because an action that destroys or adversely modifies such critical habitat would also be likely to result in jeopardy to the species, there may be a few instances where section 7 consultation would be triggered only if critical habitat is designated, such as occupied habitat that may become unoccupied in the future. There may also be some educational or informational benefits to designating critical habitat. Therefore, at least in areas where opportunity for public access is limited, we find that critical habitat is prudent for Blackburn's sphinx moth.

However, we cannot propose critical habitat designation for this species at this time. The Service's Hawaiian field office, which would have the lead for such a proposal, is in the process of complying with the court order in *Conservation Council for Hawaii* v. *Babbitt,* Civ. No. 97–00098 ACK (D. Haw. Mar. 9 and Aug. 10, 1998). In that case, the United States District Court for the District of Hawaii remanded to the Service its ''not prudent'' findings on critical habitat designation for 245 species of Hawaiian plants. The court ordered the Service not only to reconsider these findings, but also to designate critical habitat for any species for which we determine on remand that critical habitat designation is prudent. Proposed designations or non-designations for 100 species are to be published by November 30, 2000. Proposed designation or non-designations for the remaining 145 species are to be published by April 30, 2002. Final designations or non-designations are to be published within one year of each proposal. Compliance with this court order is a huge undertaking involving critical habitat determinations for over one-fifth of all species that have ever been listed under the ESA, and over one-third of all listed plant species. In addition, the Service has agreed to include in this effort critical habitat designations for an additional 10 plants that are subject of another lawsuit. See *Conservation Council for Hawaii* v. *Babbitt,* Civ. No. 99–00283 HG. The Service cannot develop proposed critical habitat designation for this species without significant disruption of intensive efforts to comply with the *Conservation Council for Hawaii* v. *Babbitt* remand.

To attempt to do so could also affect the listing program Region-wide. Administratively, the Service is divided into seven geographic regions. This species is under the jurisdiction of Region 1, which includes California, Oregon, Washington, Idaho, Nevada, Hawaii and other Pacific Islands. About one-half of all listed species occur in Region 1. Region 1 receives, by far, the largest share of listing funds of any Service region because it has the heaviest listing workload. Region 1 must also expend its listing resources to comply with existing court orders or settlement agreements. In fact, in the last fiscal year, all of the Region's funding allocation for critical habitat actions were extended to comply with court orders. If the Service were to immediately prepare a proposed critical habitat designation for this species, notwithstanding the court order pertaining to 245 Hawaiian plant species, efforts to provide protection to many other species that are not yet listed would be delayed. While we believe there may be some benefits to designating critical habitat for this species, these benefits are significantly fewer in comparison to the benefits of listing a species under the ESA because, as discussed above, the primary regulatory effect of critical habitat is limited to the section 7 requirement that Federal agencies refrain from taking any action that destroys or adversely modifies critical habitat.

For these reasons, deferral of a proposal to designate critical habitat will allow us to concentrate our limited resources on higher priority critical habitat and other listing actions, while allowing us to provide the basic protections under the ESA for this species. We will develop a proposal to designate critical habitat for this species as soon as feasible.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain activities. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. Hawaii's Endangered Species Act states that, ''Any species of aquatic life, wildlife, or land plant that has been determined to be an endangered species pursuant to the (Federal) Endangered Species Act shall be deemed to be an endangered species under the provisions of this chapter.'' (Hawaii Revised Statutes (HRS), sect. 195D–4(a)). Therefore, Federal listing automatically invokes listing under Hawaii State Law, which prohibits taking of listed wildlife in the State and encourages conservation by State agencies (HRS, sect. 195D–4 and 5). The Endangered Species Act provides for possible land acquisition and cooperation with the State and requires that recovery plans be developed for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed animals are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(2) of the Act requires Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with us. Federal agency actions that may require conference and/or consultation include military training of the Hawaii National Guard on State land near the first Maui site, and unexploded ordnance cleanup that is funded by the U.S. Navy near the Kahoolawe population on State land.

Federally supported activities that could affect Blackburn's sphinx moth and its habitat in the future include, but are not limited to, the following: release

or augmentation of biological control agents; road and firebreak construction; troop movements; removal of unexploded ordnance; and fire resulting from the use of live ammunition. Conservation of this moth is consistent with most ongoing operations at the occupied sites; however, listing of the species may entail consultation in regard to activities taking place on military lands, or insect pest control operations in Hawaii supported by Federal agencies.

The Act and its implementing regulations found at 50 CFR 17.21, 17.22, and 17.23 set forth a series of general trade prohibitions and exceptions that apply to all endangered wildlife. With respect to animal species listed as endangered, all trade prohibitions of section 9(a)(1) of the Act, implemented by 50 CFR 17.21, apply. These prohibitions, in part, make it illegal with respect to any endangered animal for any person subject to the jurisdiction of the United States to import or export; transport in interstate or foreign commerce in the course of a commercial activity; sell or offer for sale in interstate or foreign commerce; or take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, or collect—or attempt any of these). Certain exceptions apply to our agents and State conservation agencies. The Act and 50 CFR 17.22 and 17.23 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered animal species under certain circumstances. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and for incidental take in connection with otherwise lawful activities.

It is our policy, published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of this listing on proposed and ongoing activities within the species' range. We believe that, based on the best available information, the following actions will not result in a violation of section 9:

(1) Possession, delivery, or movement, including interstate transport and import into or export from the United States, involving no commercial activity of dead specimens of this taxon that were collected prior to the date of publication in the **Federal Register** of this final rule;

(2) Activities authorized, funded, or carried out by Federal agencies when such activity is conducted in accordance with any reasonable and prudent measures given by the Service in a consultation conducted under section 7 of the Act, and;

(3) Activities on private lands that do not result in the take of Blackburn's sphinx moth, and do not require Federal authorization and/or involve Federal funding.

Potential activities involving Blackburn's sphinx moth that we believe will likely be considered a violation of section 9 include, but are not limited to, the following:

(1) Collection of specimens of this taxon for private possession, or deposition in an institutional collection without a proper permit;

(2) Sale or purchase of specimens of this taxon, except for properly documented antique specimens of this taxon at least 100 years old, as defined by section 10(h)(1) of the Act;

(3) Use of pesticides/herbicides in violation of label restrictions resulting in take of Blackburn's sphinx moth;

(4) Unauthorized release of biological control agents that attack any life stage of this taxon, and;

(5) Removal or destruction of the native host plant, defined as any species in the genus *Nothocestrum*, within areas occupied by this taxon that results in harm to the Blackburn's sphinx moth. Regulations at 50 CFR 17.3 defines ''harm'' in the definition of take as an act that actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities.

Questions regarding whether specific activities will constitute a violation of section 9 of the Act should be directed to the Pacific Islands Manager (see **ADDRESSES** section). Requests for copies of the regulations concerning listed animals and inquiries regarding prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Ecological Services, Endangered Species Permits, 911 N.E. 11th Avenue, Portland, Oregon, 97232–4181 (telephone: 503/231–6241; facsimile 503/231–6243).

National Environmental Policy Act

We have determined that Environmental Assessments and Environmental Impact Statements, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Paperwork Reduction Act

This rule does not contain any collection of information for which Office of Management and Budget (OMB) approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* is required. An information collection related to the rule pertaining to permits for endangered and threatened species has OMB approval and is assigned clearance number 1018–0094. For additional information concerning permits and associated requirements for endangered and threatened wildlife, see 50 CFR 17.22 and 17.23.

References Cited

A complete list of all references cited in this document, as well as others, is available upon request from the Pacific Islands Ecoregion Office (see **ADDRESSES** section).

Author

The primary authors of this final rule are Dr. Adam Asquith, U.S. Fish and Wildlife Service, Kauai National Wildlife Refuge Complex, P.O. Box 1128, Kilauea, Hawaii 96754, (808/828–1413), and Dr. Annie Marshall, Ecological Services, Pacific Islands Ecoregion Office (see **ADDRESSES** section) (808/541–3441).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–

625, 100 Stat. 3500, unless otherwise noted. PART='17'≤

2. Amend section 17.11(h) by adding the following, in alphabetical order under INSECTS, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species							
Common name	Scientific name	Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rule
INSECTS							
*	*	*	*	*	*	*	
Blackburn's sphinx moth.	Manduca blackburni	U.S.A. (HI)	NA	E	682	NA	NA
*	*	*	*	*	*	*	

Dated: January 20, 2000.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 00–2135 Filed 1–31–00; 8:45 am]

BILLING CODE 4310–55–P

Proposed Rules

Federal Register
Vol. 65, No. 21
Tuesday, February 1, 2000

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 54

[Docket Number LS–99–21]

Request for Public Comments on the Official Grading of Imported Beef, Lamb, Veal and Calf Carcasses Under the Authority of the Agricultural Marketing Act of 1946

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Agricultural Marketing Service (AMS) invites comments from producers, importers, packers, processors, commercial users, and other interested persons on the official grading of imported beef, lamb, veal and calf carcasses. Written requests by producer groups to discontinue the grading of imported carcasses are currently under consideration by AMS. AMS Regulations promulgated under the Agricultural Marketing Act of 1946 permits the official grading of imported beef, lamb, veal and calf carcasses provided the carcasses are in compliance with all requirements of the applicable standards and are marked with the country of origin. However, the regulations do not require the retention of country of origin designations on the component meat cuts to the point of final purchase. In light of the producer proposals, AMS is considering several options. Among the options under consideration are: first, discontinue the official grading of imported carcasses; second, revise the grading regulations to require that the country of origin mark is retained on the component cuts after fabrication of an imported carcass that is federally graded; or, third, revise the grading regulations to eliminate the requirement that a country of origin mark be applied to imported carcasses. AMS requests that interested parties comment on these options and/or provide other options and information for consideration.

DATES: Comments must be received on or before April 3, 2000.

ADDRESSES: Send written comments to Larry R. Meadows, Chief; USDA, AMS, LS, MGC; STOP 0248, Room 2628–S; 1400 Independence Avenue, SW.; Washington, DC 20250–0248. Comments may be faxed to (202) 690–4119 or E-mailed to Larry.Meadows@usda.gov.

State that your comments refer to Docket No. LS–99–21, and note the date and page number of this issue of the **Federal Register**.

Comments received may be inspected at the above location between 8:00 a.m. and 4:30 p.m., Eastern Time, Monday through Friday, except Holidays.

FOR FURTHER INFORMATION CONTACT: Larry R. Meadows, Chief, Meat Grading and Certification (MGC) Branch, 202–720–1246.

SUPPLEMENTARY INFORMATION: In June 1999, the National Cattlemen's Beef Association (NCBA) requested that the Department of Agriculture (USDA) discontinue the official grading of imported beef carcasses. In October 1999, the American Sheep Industry Association (ASI) requested that USDA discontinue the official grading of imported lamb carcasses. By contrast, during the same timeframe, USDA received letters of support for the continued grading of imported carcasses from members of Congress, the American Meat Institute (AMI), the National Meat Association (NMA), and the Canadian Embassy.

Grading activities for all species are conducted under the authority of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended, and the regulations set forth in Title 7, Part 54—Meats, Prepared Meats, and Meat Products. Under current regulations and procedures, imported beef, lamb, veal and calf carcasses are eligible for grading provided the carcasses are in compliance with all requirements of the applicable standards and are marked with the country of origin. Except for requiring that imported carcasses be branded with the country of origin prior to official grading, imported carcasses receive the same considerations and treatment as carcasses derived from livestock produced in the United States. However, the regulations do not specify that the country of origin must remain on the cuts after processing. Since the vast majority of beef and lamb is marketed as closely trimmed wholesale or retail cuts rather than carcasses, the country of origin marks are almost always removed during processing. The grading of imported carcasses has been permitted by the regulations since the early 1950's.

For calendar year 1999, slightly more than 50,000 imported beef carcasses and 81,000 imported lamb carcasses were officially graded in the United States. No imported veal and calf carcasses were graded. By contrast, in the same calendar year USDA graded over 27 million domestically produced beef carcasses and 3 million lamb carcasses.

AMS is considering the following options: (1) Discontinue the official grading of all imported beef, lamb, veal and calf carcasses, (2) Revise the grading regulations to require that the country of origin mark be retained on the component cuts after fabrication of an imported carcass that is Federally graded, or, (3) Revise the grading regulations to eliminate the requirement that a country of origin mark be applied to Federally graded imported carcasses.

Accordingly, AMS is issuing this advance notice of proposed rulemaking to assist in the development of policy and regulations for the official grading of imported beef, lamb, veal and calf carcasses. AMS is seeking comments, information, and data from all interested parties.

Specifically, AMS is Seeking

(1) Comments on the options currently under consideration by the Agency;

(2) Other options the Agency should consider;

(3) Suggestions of criteria to be used by AMS to develop a new or revised policy; and

(4) Any other comments, information, or data which would aid AMS in evaluating its current policy and deciding whether to develop a new or revised policy on the official grading of imported carcasses.

Authority: 7 U.S.C. 1621–1627.

Dated: January 27, 2000.

Barry L. Carpenter,

Deputy Administrator, Livestock and Seed Program.

[FR Doc. 00–2112 Filed 1–27–00; 2:58 pm]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–263–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–11 series airplanes. This proposal would require a one-time detailed visual inspection of a certain passenger seat wire assembly to detect chafed or damaged wires; repair, if necessary; and installation of protective sleeving. This proposal is prompted by a report of arcing emanating from a certain passenger seat wire assembly. The actions specified by the proposed AD are intended to prevent chafing of the passenger seat wire assembly against a bracket at the lower sidewall panel due to insufficient clearance between the bracket and seat wire assembly, which could result in arcing damage to the passenger seat wire assembly and consequent smoke and fire in the main cabin.

DATES: Comments must be received by March 17, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–263–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–263–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–263–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Supplementary Information

As part of its practice of re-examining all aspects of the service experience of a particular aircraft whenever an accident occurs, the FAA has become aware of an instance in which a seat control circuit breaker tripped while a crew member was checking a problem with the controls of a first class passenger seat. The circuit breaker was reset and subsequently an arc was observed emanating from the passenger seat wire assembly at the base of the sidewall panel at fuselage station Y=675. This incident occurred on a McDonnell Douglas Model MD–11 series airplane. This arcing caused a foam material to ignite. Investigation revealed that the passenger seat wire assembly had been chafing on a bracket at the lower sidewall panel. This condition has been attributed to insufficient clearance between the bracket and seat wire assembly. This condition, if not corrected, could result in smoke and fire in the main cabin.

This incident is not considered to be related to an accident that occurred off the coast of Nova Scotia involving a McDonnell Douglas Model MD–11 series airplane. The cause of that accident is still under investigation.

Other Related Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD–11 series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This proposed airworthiness directive (AD) is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD11–24A152, dated August 9, 1999, which describes procedures for a one-time detailed visual inspection of the passenger seat wire assembly to detect chafed or damaged wires; repair, if necessary; and installation of protective sleeving. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, this proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

There are approximately 128 airplanes of the affected design in the worldwide fleet. The FAA estimates that 32 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 2 work hour per airplane to accomplish the proposed inspection, at an average labor

rate of $60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be $3,840, or $120 per airplane.

It would take approximately 2 work hours per airplane to accomplish the proposed installation of protective sleeving, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the installation proposed by this AD on U.S. operators is estimated to be $3,840, or $120 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 99–NM–263–AD.

Applicability: Model MD–11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11–24A152, dated August 9, 1999; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent chafing of the passenger seat wire assembly against a bracket at the lower sidewall panel due to insufficient clearance between the bracket and seat wire assembly, which could result in arcing damage to the passenger seat wire assembly and consequent smoke and fire in the main cabin, accomplish the following:

Inspection, Installation, and Repair, If Necessary

(a) Within 6 months after the effective date of this AD, perform a detailed visual inspection of the passenger seat wire assembly to detect chafed or damaged wires, and install protective sleeving, in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A152, dated August 9, 1999. If any chafed or damaged wire is found, prior to further flight, repair in accordance with the service bulletin.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on January 21, 2000.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00– 2003 Filed 1–31–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–264–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–11 series airplanes. This proposal would require a one-time detailed visual inspection of the electrical connections to detect corrosion; repair, if necessary; and installation of new circuit breakers and associated wiring. This proposal is prompted by a report that the ratings of certain circuit breakers of a certain video entertainment system exceed the ratings of their associated electrical connector contacts. The actions specified by the proposed AD are intended to prevent a disparity between the ratings of certain circuit breakers and their associated electrical connector contacts, which could damage the electrical connector contacts and cause possible arcing and heat damage to the electrical connector.

DATES: Comments must be received by March 17, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114,

Attention: Rules Docket No. 99–NM–264–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–264–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–264–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Supplementary Information

As part of its practice of re-examining all aspects of the service experience of a particular aircraft whenever an accident occurs, the FAA has become aware that the ratings of certain circuit breakers of a certain video entertainment system exceed the ratings of their associated electrical connector contacts on McDonnell Douglas Model MD–11 series airplanes. This discrepancy between the ratings of the circuit breakers and their associated electrical connector contacts can allow the contacts to be damaged before the circuit breakers trip. Investigation revealed that this condition is a result of a design oversight that allows the use of the subject circuit breakers. This condition, if not corrected, could result in damage to the electrical connector contacts and cause possible arcing and heat damage to the electrical connector.

This condition is not considered to be related to an accident that occurred off the coast of Nova Scotia involving a McDonnell Douglas Model MD–11 series airplanes. The cause of that accident is still under investigation.

Other Relevant Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD–11 series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This proposed airworthiness directive (AD) is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Service Bulletin MD11–23–082, dated August 17, 1999, which describes procedures for a one-time detailed visual inspection of the electrical connections to detect corrosion, and repair, if necessary. The service bulletin also describes procedures for installation of new circuit breakers and associated electrical wiring (including modification of a certain nameplate). The modification involves marking the backside of the nameplate with breaker numbers and applying a label. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, this proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

There are approximately 12 airplanes of the affected design in the worldwide fleet. The FAA estimates that 12 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 30 work hours per airplane to accomplish the proposed actions, at an average labor rate of $60 per work hour. The manufacturer has committed previously to its customers that it will bear the cost of replacement parts. As a result, the cost of those parts is not attributable to this proposed AD. Based on this information the cost impact of the proposed AD on U.S. operators is estimated to be $21,600, or $1,800 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. However, the FAA has been advised that manufacturer warranty remedies are available for labor costs associated with accomplishing the actions required by this proposed AD. Therefore, the future economic cost impact of this rule on U.S. operators may be less than the cost impact figure indicated above.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant

economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 99–NM–264–AD.

Applicability: Model MD–11 series airplanes, as listed in McDonnell Douglas Service Bulletin MD11–23–082, dated August 17, 1999; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent a disparity between the ratings of certain circuit breakers and their associated electrical connector contacts, which could damage the electrical connector contacts and possible arcing and heat damage to the electrical connector, accomplish the following:

Inspection, Installation, and Repair, If Necessary

(a) Within 1 year after the effective date of this AD, perform a detailed visual inspection of certain electrical connections to detect corrosion, and install new circuit breakers and associated electrical wiring (including modification of a certain nameplate), in accordance with McDonnell Douglas Service Bulletin MD11–23–082, dated August 17, 1999. If any corrosion is detected, prior to further flight, repair in accordance with the service bulletin.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on January 21, 2000.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–2004 Filed 1–31–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–265–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 and MD–11F Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD–11 and MD–11F series airplanes, that currently requires modification of the external power feeder cable clamping installation. That AD was prompted by reports of damage to the external power feeder cables located under the forward cargo compartment floor, which was caused by excessive cable length and/or maintenance personnel stepping on the cables. This action would add a new requirement to accomplish a detailed visual inspection of the external power feeder cables to detect chafed or damaged wires; and repair, if necessary. The actions specified by the proposed AD are intended to prevent arcing from occurring under the forward cargo compartment floor as a result of damaged external power feeder cables, a situation that could lead to a fire at this location.

DATES: Comments must be received by March 17, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–265–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall

identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–265–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–265–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On May 23, 1994, the FAA issued AD 94–11–06, amendment 39–8922 (59 FR 27972, May 31, 1994), which is applicable to certain McDonnell Douglas Model MD–11 and MD–11F series airplanes. That AD requires modification of the external power feeder cable clamping installation. The requirements of that AD are intended to prevent arcing from occurring under the forward cargo compartment floor as a result of damaged external power feeder cables, a situation that could lead to a fire at this location.

Actions Since Issuance of Previous Rule

Since the issuance of AD 94–11–06, the FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD11–24A078, Revision 01, dated June 16, 1999, which describes procedures for a detailed visual inspection of the external power feeder cables to detect chafed or damaged wires; and repair, if necessary. The service bulletin also describes procedures for the same modification of the external power feeder cable clamping installation that is described in McDonnell Douglas Service Bulletin 24–78, dated May 10, 1994 (which was referenced in AD 94–11–06 as the appropriate source of service information).

Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 94–11–06 to continue to require modification of the external power feeder cable clamping installation. The proposed AD also would require accomplishment of the actions specified in McDonnell Douglas Alert Service Bulletin MD11–24A078 described previously.

Other Related Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD–11 and MD–11F series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This proposed AD is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Cost Impact

There are approximately 110 airplanes of the affected design in the worldwide fleet. The FAA estimates that 46 airplanes of U.S. registry would be affected by this proposed AD.

The modification of the external power feeder cable clamping installation that is currently required by AD 94–11–06, and retained in this proposed AD, takes approximately 3 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts cost approximately $395 per airplane. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $26,450, or $575 per airplane.

The new actions that are proposed in this AD action would take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the new proposed requirements of this AD on U.S. operators is estimated to be $2,760, or $60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8922 (59 FR 27972, May 31, 1994), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 99–NM–265–AD. Supersedes AD 94–11–06, amendment 39–8922.

Applicability: Model MD–11 and MD–11F series airplanes, as listed in McDonnell Douglas Service Bulletin 24–78, dated May 10, 1994; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent arcing from occurring under the forward cargo compartment floor as a result of damaged external power feeder cables, a situation that could lead to a fire at this location, accomplish the following:

Restatement of Requirements of AD 94–11–06, Amendment 39–8922

Modification

(a) Within 90 days after June 15, 1994 (the effective date of AD 94–11–06, amendment 39–8922), modify the external power feeder cable clamping installation in accordance with McDonnell Douglas Service Bulletin 24–78, dated May 10, 1994, or McDonnell Douglas Alert Service Bulletin MD11–24A078, Revision 01, dated June 16, 1999.

New Requirements of This AD

Inspection

(b) Within 1 year after the effective date of this AD, perform a detailed visual inspection of the external power cables between stations Y=635.000 and Y=655.000 to detect chafed or damaged wires, in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A078, Revision 01, dated June 16, 1999. If any chafed or damaged wire is found, prior to further flight, repair in accordance with the service bulletin.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on January 21, 2000.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–2005 Filed 1–31–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–266–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–11 series airplanes. This proposal would require a general visual inspection to verify that the circuit breaker panel fully opens, follow-on inspections, and corrective actions, if necessary. This proposal is prompted by an incident of an operator not being able to fully open the observer's upper main circuit breaker panel due to a certain cable being too short. The actions specified by the proposed AD are intended to ensure that the upper main circuit breaker panel opens fully. If the panel does not open fully, maintenance activities may be hindered and cause damage to the circuit breaker panel and wiring, which could result in electrical arcing and consequent smoke and fire in the flight compartment.

DATES: Comments must be received by March 17, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–266–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–266–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the

FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–266–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Supplementary Information

As part of its practice of re-examining all aspects of the service experience of a particular aircraft whenever an accident occurs, the FAA has become aware of an instance of an operator not being able to fully open the observer's upper main circuit breaker panel of a McDonnell Douglas Model MD–11 series airplane. Investigation revealed that a direct current (DC) power feeder bus cable was found to be too short, which prevented the panel from being fully opened. If the panel cannot be opened, maintenance activities may be hindered and cause damage to the circuit breaker panel and wiring. Such damage could result in electrical arcing and consequent smoke and fire in the flight compartment.

This incident is not considered to be related to an accident that occurred off the coast of Nova Scotia involving a McDonnell Douglas Model MD–11 series airplane. The cause of that accident is still under investigation.

Other Relevant Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD–11 series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This proposed airworthiness directive (AD) is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD11–24A130, Revision 01, dated September 20, 1999, which describes procedures for a general visual inspection to verify that the circuit breaker panel fully opens, follow-on inspections, and corrective actions, if necessary. The follow-on inspections involve a detailed visual inspection of the wires between circuit breakers B1–213 and B1–300 to terminal strip S3–602 to detect chafing damage; and a detailed visual inspection of the route path of the subject area to detect chafing damage and to determine if the wire can be adjusted or if the wire must be replaced; as applicable. The corrective actions include adjusting the wire, replacing the wire with a new wire, and repairing chafing damage. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, this proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

There are approximately 161 airplanes of the affected design in the worldwide fleet. The FAA estimates that 66 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed inspections, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $3,960, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 99–NM–266–AD.

Applicability: Model MD–11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11–24A130, Revision 01, dated September 20, 1999; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the upper main circuit breaker panel opens fully, accomplish the following:

Inspection and a Follow-On Inspection

(a) Within 6 months after the effective date of this AD, perform a general visual inspection to verify that the circuit breaker panel fully opens in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A130, Revision 01, dated September 20, 1999.

Note 2: For the purposes of this AD, a general visual inspection is defined as ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

(1) If the circuit breaker panel fully opens, prior to further flight, perform a detailed visual inspection of the wires between circuit breakers B1–213 and B1–300 to terminal strip S3–602 to detect chafing damage, in accordance with the service bulletin.

(2) If the circuit breaker panel does not fully open, prior to further flight, perform a detailed visual inspection of the route path from circuit breakers B1–213 and B1–300 to terminal strip S3–602 to detect chafing damage and to determine if the wire can be adjusted or if the wire must be replaced, in accordance with the service bulletin.

Note 3: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

Corrective Actions

(b) If any wire is found to need adjusting during the inspection required by paragraph (a)(2) of this AD, prior to further flight, adjust the wire in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A130, Revision 01, dated September 20, 1999.

(c) If any wire is found to need replacing during the inspection required by paragraph (a)(2) of this AD, prior to further flight, replace the wire with a new wire in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A130, Revision 01, dated September 20, 1999.

(d) If any chafing damage is found during the inspection required by paragraph (a)(1) or (a)(2) of this AD, prior to further flight, repair in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A130, Revision 01, dated September 20, 1999.

Alternative Methods of Compliance

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on January 21, 2000.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–2006 Filed 1–31–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–267–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 and MD–11F Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–11 and MD–11F series airplanes. This proposal would require a one-time detailed visual inspection of the generator power feeder wires to detect chafed or damage wires; repair, if necessary; and a modification of the generator power feeder wire installation. This proposal is prompted by reports of generator power feeder wire chafing on the closeout rib of the wing leading edge at a certain station due to insufficient clearance between the generator power feeder wires and the closeout rib. The actions specified by the proposed AD are intended to prevent chafed and burnt generator power feeder wires, which could result in arcing damage to a certain closeout rib of the wing leading edge and fire damage to the wing structure, and consequent reduced structural integrity of the wing.

DATES: Comments must be received by March 17, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–267–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule.

The proposals contained in this notice may be changed in light of the comments received. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–267–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–267–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Supplementary Information

As part of its practice of re-examining all aspects of the service experience of a particular aircraft whenever an accident occurs, the FAA has become aware of instances of the generator power feeder wires chafing on the closeout rib of the wing leading edge at station Xcw=130 on McDonnell Douglas Model MD–11 and MD–11F series airplanes. In one case, the wire was found burnt with burn residue on the leading edge closeout rib. In this instance, the opposite side of the wire installation was inspected and was also found to be chafing on the closeout rib. Investigation revealed that there is insufficient clearance between the power feeder wires and the closeout rib. This condition, if not corrected, could result in arcing damage to the closeout rib of the wing leading edge at station Xcw=130 and fire damage to the wing structure, and consequent reduced structural integrity of the wing.

This incident is not considered to be related to an accident that occurred off the coast of Nova Scotia involving a McDonnell Douglas Model MD–11 series airplane. The cause of that accident is still under investigation.

Other Related Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD–11 and MD–11F series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This proposed airworthiness directive (AD) is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD11–24A172, dated September 8, 1999, which describes procedures for a one-time detailed visual inspection of the generator power feeder wire installation to detect chafed or damage wires; repair, if necessary; and modification of the power feeder wire installation. The modification involves removal of existing power feeder clamps from the mounting bracket at station Xcw =130.6409 and reinstallation of clamps using a new spacer and attaching parts. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, this proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

There are approximately 189 airplanes of the affected design in the worldwide fleet. The FAA estimates that 66 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $3,960, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 99–NM–267–AD.

Applicability: Model MD–11 and MD–11F series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11–24A172, dated September 8, 1999; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent chafed and burnt generator power feeder wires, which could result in arcing damage to a certain closeout rib of the wing leading edge and fire damage to the wing structure, and consequent reduced structural integrity of the wing, accomplish the following:

Inspection; Repair, If Necessary; and Modification

(a) Within 6 months after the effective date of this AD, perform a detailed visual inspection of the generator power feeder wires to detect chafed or damaged wires, and modify the generator power feeder wire installation in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A172, dated September 8, 1999. If any chafed or damaged wire is found, prior to further flight, repair in accordance with the service bulletin.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on January 21, 2000.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–2007 Filed 1–31–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–268–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–11 series airplanes. This proposal would require a detailed visual inspection of the external power feeder cables in the forward cargo compartment between certain stations to detect chafing or damage; repair, if necessary; and installation of spiral wrap. This proposal is prompted by reports of failure of the external power feeder cable due to being chafed during maintenance. The actions specified by the proposed AD are intended to prevent chafing and damage to external ground power feeder cables, which could result in electrical arcing and consequent structural damage and smoke and fire in the forward cargo compartment.

DATES: Comments must be received by March 17, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–268–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–268–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–268–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Supplementary Information

As part of its practice of re-examining all aspects of the service experience of a particular aircraft whenever an accident occurs, the FAA has become aware of reports of failure of the external ground power feeder cable on McDonnell Douglas Model MD–11 series airplanes. Investigation revealed that the cables were chafed during removal of the sump panels of the cargo floor during prior maintenance visits. This condition, if not corrected, could result in chafing and damage to external ground power feeder cables, which could result in electrical arcing and consequent structural damage and smoke and fire in the forward cargo compartment.

This incident is not considered to be related to an accident that occurred off the coast of Nova Scotia involving a McDonnell Douglas Model MD–11 series airplane. The cause of that accident is still under investigation.

Other Relevant Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD–11 series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This proposed airworthiness directive (AD) is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD11–24A008, Revision 01, dated December 2, 1999, which describes procedures for a detailed visual inspection of the external power feeder cables in the forward cargo compartment between stations

Y=879.000 and Y=1019.000 left of centerline to detect chafing or damage; repair, if necessary; and installation of spiral wrap. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, this proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

There are approximately 38 airplanes of the affected design in the worldwide fleet. The FAA estimates that 14 airplanes (3 airplanes identified as Group 1 and 11 airplanes identified as Group 2) of U.S. registry would be affected by this proposed AD.

For Group 1 airplanes, the FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed inspection, and approximately 2 work hours per airplane to accomplish the proposed installation of spiral wrap, and that the average labor rate is $60 per work hour. Required parts would cost approximately $140 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators of Group 1 airplanes is estimated to be $960, or $320 per airplane.

For group 2 airplanes, the FAA estimates that it would take approximately 2 work hours per airplane to accomplish the proposed inspection, and approximately 3 work hours per airplane to accomplish the proposed installation of spiral wrap. Required parts would cost approximately $140 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators of Group 2 airplanes is estimated to be $4,840, or $440 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 99–NM–268–AD.

Applicability: Model MD–11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11–24A008, Revision 01, dated December 2, 1999; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent chafing and damage to external ground power feeder cables, which could result in electrical arcing and consequent structural damage and smoke and fire in the forward cargo compartment, accomplish the following:

Inspection and Modification

(a) Within 12 months after the effective date of this AD, perform a detailed visual inspection of the external ground power feeder cables in the forward cargo compartment between stations Y=879.000 and Y=1019.000 left of centerline to detect chafing or damage, in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A008, Revision 01, dated December 2, 1999.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(1) If any chafing or damage is detected, prior to further flight, repair and install spiral wrap, in accordance with the service bulletin.

(2) If no chafing or damage is detected, prior to further flight, install spiral wrap in accordance with the service bulletin.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on January 21, 2000.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–2008 Filed 1–31–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–269–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–11 series airplanes. This proposal would require electrical resistance measurements of the ground studs of the No. 2 generator in the electrical power center of the center accessory compartment for proper electrical bonding and of the ground studs and circuit breaker terminations in the forward cargo compartment to detect looseness and for proper electrical bonding; and corrective actions, if necessary. This proposal is prompted by an incident of charred insulation blankets in the forward cargo compartment in the area of the external ground power receptacle and the galley external power circuit breakers, and another incident of a No. 2 ''generator off'' alert while the generator was still on line. The actions specified by the proposed AD are intended to prevent arcing and overheating of terminals and consequent smoke and fire in the forward cargo compartment due to improper bonding of ground studs in the forward cargo compartment and in the electrical power center and due to improper installation of circuit breaker terminations.

DATES: Comments must be received by March 17, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–269–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–269–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–269–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Supplementary Information

As part of its practice of re-examining all aspects of the service experience of a particular aircraft whenever an accident occurs, the FAA has become aware of one incident of charred insulation blankets in the forward cargo compartment in the area of the external ground power receptacle and the galley external power circuit breakers, and another incident of a No. 2 ''generator off'' alert while the generator was still on line. These incidents occurred on McDonnell Douglas Model MD–11 series airplanes. Investigation revealed that, during production, the ground studs in the forward cargo compartment and electrical power center (EPC) were bonded improperly. Also, investigation revealed that three of the nine circuit breaker terminations of the galley were loose due to improper installation during production. These conditions, if not corrected, could result in arcing and overheating of circuit breaker terminals and consequent smoke and fire in the forward cargo compartment.

This incident is not considered to be related to an accident that occurred off the coast of Nova Scotia involving a McDonnell Douglas Model MD–11 series airplane. The cause of that accident is still under investigation.

Other Related Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD–11 series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This proposed airworthiness directive (AD) is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD11–24A040, Revision 01, dated October 11, 1999, which describes procedures an electrical resistance measurement of the ground studs of the No. 2 generator in the electrical power center of the center accessory compartment for proper electrical bonding; and corrective actions, if necessary. The corrective actions include tightening the applicable fastener, if necessary, and electrically bonding the ground studs.

The service bulletin also describes procedures for an electrical resistance measurement of the ground studs and circuit breaker terminations in the forward cargo compartment to detect looseness and for proper electrical bonding, and corrective actions, if

necessary. The corrective actions include tightening applicable attaching parts and electrically bonding the ground studs.

Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, this proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

There are approximately 31 airplanes of the affected design in the worldwide fleet. The FAA estimates that 9 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 2 work hour per airplane to accomplish the proposed measurements, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the measurements proposed by this AD on U.S. operators is estimated to be $1,080, or $120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 99–NM–269–AD.

Applicability: Model MD–11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11–24A040, Revision 01, dated October 11, 1999; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent arcing and overheating of terminals and consequent smoke and fire in the forward cargo compartment due to improper bonding of ground studs in the forward cargo compartment and in the electrical power center (EPC) and due to improper installation of circuit breaker terminations, accomplish the following:

Resistance Check and Corrective Actions

(a) Within 12 months after the effective date of this AD, accomplish the actions specified in paragraphs (a)(1) and (a)(2) of this AD, in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A040, Revision 01, dated October 11, 1999.

(1) Perform an electrical resistance measurement of the ground studs of the No. 2 generator in the electrical power center of the center accessory compartment for proper electrical bonding, in accordance with the service bulletin.

(i) If all ground studs are electrically bonded properly, prior to further flight, tighten applicable fasteners, if necessary, in accordance with the service bulletin.

(ii) If any ground stud is not electrically bonded properly, prior to further flight, electrically bond the ground stud in accordance with the service bulletin.

(2) Perform an electrical resistance measurement of the ground studs and circuit breaker terminations in the forward cargo compartment to detect looseness and for proper electrical bonding, in accordance with the service bulletin.

(i) If all ground studs are electrically bonded properly, prior to further flight, tighten applicable attaching parts in accordance with the service bulletin.

(ii) If any circuit breaker termination is found loose, tighten in accordance with the service bulletin.

(iii) If any ground stud is not electrically bonded properly, prior to further flight, electrically bond the ground stud in accordance with the service bulletin.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on January 21, 2000.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–2009 Filed 1–31–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–270–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–11 series airplanes. This proposal would require a general visual inspection of wiring behind the control panel of the auxiliary power unit (APU) located in the cockpit to detect chafing; repair if necessary; and modification of the wiring. This proposal is prompted by an incident of chafing of wire bundles of the control module of the APU. The actions specified by the proposed AD are intended to prevent such chafing and resultant arcing due to insufficient clearance between the wire bundles and the airplane structure, which could result in smoke and fire in the flight deck.

DATES: Comments must be received by March 17, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–270–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–270–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–270–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Supplementary Information

As part of its practice of re-examining all aspects of the service experience of a particular aircraft whenever an accident occurs, the FAA has become aware of one instance of chafing of wire bundles of the control module of the auxiliary power unit (APU) located in the cockpit overhead panel. This incident occurred on a McDonnell Douglas Model MD–11 series airplane. The chafing has been attributed to insufficient clearance between the wire bundles and airplane structure. This condition, if not corrected, could result in arcing and consequent smoke and fire in the flight deck.

This incident is not considered to be related to an accident that occurred off the coast of Nova Scotia involving a McDonnell Douglas Model MD–11 series airplane. The cause of that accident is still under investigation.

Other Related Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD–11 series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This proposed airworthiness directive (AD) is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD11–24A116, Revision 01, dated October 11, 1999, which describes procedures for a general visual inspection of wiring behind the control panel of the APU located in the cockpit to detect chafing; repair, if necessary; and modification of the wiring behind the control panel of the APU. The modification includes installation of sleeving and fiber tying tape over wires. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, this proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

There are approximately 164 airplanes of the affected design in the worldwide fleet. The FAA estimates that 61 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 1 work hour per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be $3,660, or $60 per airplane.

The FAA also estimates that it would take approximately 1 work hour per airplane to accomplish the proposed modification, at an average labor rate of $60 per work hour. The cost of required parts would be nominal. Based on these figures, the cost impact of the modification proposed by this AD on U.S. operators is estimated to be $3,660, or $60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 99–NM–270–AD.

Applicability: Model MD–11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11–24A116, Revision 01, dated October 11, 1999; except for those airplanes on which the modification specified in McDonnell Douglas Service Bulletin MD11–24–116, dated May 14, 1997, has been accomplished; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent wire chafing of the control panel of the auxiliary power unit (APU) and resultant arcing due to insufficient clearance between the wire bundles and the airplane structure, which could result in smoke and fire in the flight deck, accomplish the following:

Inspection

(a) Within 12 months after the effective date of this AD, perform a general visual inspection of wiring behind the control panel of the APU to detect chafing, in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A116, Revision 01, dated October 11, 1999.

Note 2: For the purposes of this AD, a general visual inspection is defined as: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

(1) If no chafing is found, prior to further flight, accomplish the requirements of paragraph (b) of this AD.

(2) If any chafing is found, prior to further flight, repair in accordance with the service bulletin and accomplish the requirements of paragraph (b) of this AD.

Modification

(b) Modify the wiring behind the APU control panel (i.e., install sleeving and fiber tying tape over wires) in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A116, Revision 01, dated October 11, 1999.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on January 21, 2000.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–2010 Filed 1–31–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S–777]

RIN 1218–AB36

Ergonomics Program

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Proposed rule; extension of public comment period; rescheduling of informal public hearing; additional information and clarifications.

SUMMARY: OSHA is extending the public comment period for its proposed Ergonomics Program standard to provide the public an additional thirty (30) days to submit comments on the proposed standard. The Agency is also rescheduling the informal public hearing on the proposed rule and is extending the deadline for hearing participants to submit their hearing testimony and documentary evidence. OSHA is also using this document to provide the public with additional information and to clarify materials and data that were discussed in the preamble to the proposed standard as published in the **Federal Register** on November 23, 1999.

DATES: *Written Comments:* Written comments, including materials such as studies and journal articles, must be postmarked by March 2, 2000. If you submit comments by facsimile or electronically through OSHA's Internet site, you must transmit those comments by March 2, 2000.

Informal Public Hearing: The hearing in Washington, DC, will begin at 9:30 a.m., March 13, 2000, at the Francis Perkins Building, 200 Constitution Avenue, Washington, D.C. 20210. The hearing in Washington is scheduled to run for 4 weeks and to continue in Chicago, IL beginning April 11, 2000. We will provide dates, times, and locations for the continuation of the

hearing at another location in a supplemental **Federal Register** document.

Notice of Intention To Appear at the Informal Public Hearing: Notices of intention to appear at the informal public hearing were required to have been postmarked by January 24, 2000. If the rescheduling of the hearings makes it necessary for you to change your requested hearing location or to substitute a witness, you may do so by submitting an amendment to your notice of intention to appear, postmarked no later than February 14, 2000, to Ms. Veneta Chatmon at the address listed below.

Hearing Testimony and Documentary Evidence: If you will be requesting more than 10 minutes for your presentation, or if you will be submitting documentary evidence at the hearing, you must submit the full testimony and all documentary evidence you intend to present at the hearing, postmarked by March 2, 2000.

ADDRESSES: *Written Comments: Mail:* Submit duplicate copies of written comments to: OSHA Docket Office, Docket No. S–777, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N–2625, Washington, DC 20210. Telephone: (202) 693–2350.

Facsimile: If your written comments are 10 pages or less, you may fax them to the OSHA Docket Office. The Docket Office fax number is (202) 693–1648.

Electronic: You may also submit comments electronically through OSHA's Homepage at *www.osha.gov.* Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit them separately in duplicate to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, you must clearly identify your electronic comments by name, date, and subject, so that we can attach them to your electronic comments.

Amended Notices of Intention To Appear: Mail: If the rescheduling of the hearings makes it necessary for you to change your requested hearing location or substitute a witness, you may do so by submitting an amendment to your notice of intention to appear at the informal public hearing. The amendment must be postmarked by February 14, 2000, and be sent to: Ms. Veneta Chatmon, OSHA Office of Public Affairs, Docket No. S–777, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N–3647, Washington, DC 20210. Telephone: (202) 693–2119.

Facsimile: You may fax your amendment to your notice of intention to appear to Ms. Chatmon at (202) 693–1634, no later than February 14, 2000.

Electronic: You may also submit your amendment to your notice of intention to appear electronically through OSHA's Homepage at www.osha.gov. no later than February 14, 2000.

Hearing Testimony and Documentary Evidence: You must submit in quadruplicate your hearing testimony and the documentary evidence you intend to present at the informal public hearing to Ms. Chatmon at the address above. You may also submit your hearing testimony and documentary evidence on disk (3½ inch) in WordPerfect 5.1, 6.0, 6.1, or 8.0, or ASCII, provided that you also send the original hard copy at the same time.

Informal Public Hearing: The informal public hearing to be held in Washington, DC, will be located in the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210. The hearing will continue in Chicago, IL on April 11–21 and will subsequently continue at another location. Time and location for the regional hearings will be announced in a later **Federal Register**.

FOR FURTHER INFORMATION CONTACT: OSHA's Ergonomics Team at (202) 693–2116, or visit the OSHA Homepage at *www.osha.gov.*

SUPPLEMENTARY INFORMATION:

Background

OSHA published its proposed Ergonomics Program standard in the **Federal Register** on November 23, 1999 (64 FR 65768). In that notice of proposed rulemaking, we provided the public with 70 days to submit written comments, extending through February 1, 2000. We also scheduled an informal public hearing beginning in Washington, DC, on February 22, 2000, continuing in Portland, OR on March 21–31, 2000, and in Chicago, IL, from April 11–21, 2000. Notices of intention to appear at these hearings were due on January 24, 2000, and hearing testimony and documentary evidence were due on February 1, 2000. OSHA is only extending the comment period; notices of intention to appear may be amended only if the rescheduling of the hearings makes it necessary to change your requested hearing location or to substitute a witness.

Comment Period and Informal Public Hearing

Many interested persons have requested that we provide them with additional time to submit written comments and that we reschedule the hearings to allow additional time to submit documentary evidence and prepare testimony. OSHA believes that the time periods established in the notice of proposed rulemaking provided the public with adequate time to review the proposed standard and prepare comments, evidence, and testimony for the hearings. In light of the interest expressed by the public, however, we have decided to provide an additional thirty (30) days for these submittals. Accordingly, written comments, hearing testimony, and documentary evidence must now be submitted by March 2, 2000. The informal public hearing in Washington, DC is now scheduled to begin on March 13, 2000. Except for the change in dates, please refer to Section XV of the preamble to the proposed rule (Public Participation—Notice of Hearing) for information on how to participate in the public comment period and the informal public hearing (64 FR at 66064–66066). If the rescheduling of the hearing makes it necessary for you to substitute a witness or change the location at which you wish to testify, you may file an amendment of your notice of intention to appear indicating the necessary changes. Such amendment must be submitted by February 14, 2000.

Additional Information and Clarifications

In addition, we are taking this opportunity to clarify that OSHA is relying on the evidence and data in Section D of the Preliminary Risk Assessment, including the data shown in Appendix VI–B, for its estimates of the effectiveness of ergonomics program interventions. 64 FR 65943-65975. This evidence is relevant both to the risk assessment and the economic analysis. Accordingly, we are clarifying that a statement made in Section VIII of the preamble, Summary of the Preliminary Economic Analysis and Regulatory Flexibility Analysis (PEA/RFA) (64 FR 66002), is incorrect. That statement is ''A review of 88 studies of ergonomics program interventions showed that they reduced MSDs by an average of 67 percent (the median effectiveness rate for these studies was 64 percent).'' The correct statement is ''A review of 80 studies of ergonomics program interventions showed that they reduced MSDs by an average of 73 percent (the median effectiveness rate for these studies was 76 percent).'' The corrected statement reflects the same result reported in the Preliminary Risk Assessment at 64 FR 65948 and is based on data from the intervention studies presented in Appendix VI–B of the

preamble to the proposal (64 FR 65954–65975). We have placed in the docket a table identifying, by first author's name and exhibit number, the 80 studies in Table VI–B that were used to calculate the percentage reduction in total MSDs (Exhibit 26–1643). This table also identifies the studies used to derive other measures of program effectiveness, *i.e.*, the percent reduction in lost workday MSDs, the reduction in the number of workers' compensation claims, and the reduction in workers' compensation costs. In all, as noted in the Preliminary Risk Assessment, there are a total of 92 case studies providing quantitative evidence on one or more of these measures of the effectiveness of ergonomic program interventions in reducing MSDs. 64 FR 65948.

The reference to 88 studies at 64 FR 66002 and the associated information in Table IV–1 of the full economic analysis (Ex. 28–1) were included inadvertently as the result of an editorial error: the failure to update these references to reflect the final results reported in the Preliminary Risk Assessment. These references reflected an interim analysis of a contractor-provided database of case studies that had not yet undergone OSHA quality control reviews. Although OSHA is not relying on these materials in any way, in the event members of the public may be interested, OSHA is placing in the record two exhibits relevant to its interim analysis. Exhibit 26–1645 is the contractor-provided database of case studies on which OSHA based the interim analysis. Exhibit 26–1644 is a reconstruction, to the extent possible, of the interim analysis.

In sum, OSHA is providing this additional information to make clear that the Agency is relying on the evidence and data discussed in the Preliminary Risk Assessment, including Appendix VI–B, as the basis for its estimate of the effectiveness of ergonomic programs. This evidence is relevant both to the risk assessment and the economic analysis. OSHA is not relying on the statement referring to the 88 studies (64 FR 66002) or the information in Table IV–1 of the preliminary economic analysis (Exhibit 28–1, Chapter IV, pp. 747–748). OSHA notes that this clarification has no effect on OSHA's bottom line estimate that ergonomics programs similar to the one OSHA has proposed will achieve, on average, a 50 percent reduction in the incidence of musculoskeletal disorders. This estimate of effectiveness is substantially below the median and mean reductions projected by the Preliminary Risk Assessment (64 FR 65948) and by the statement on 64 FR 66002.

Authority: This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, U. S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210. It is issued under sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Secretary of Labor's Order No. 6–96 (62 FR 111), and 29 CFR part 1911.

Signed at Washington, DC, this 27th day of January, 2000.

Charles N. Jeffress,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 00–2200 Filed 1–28–00; 10:01 am]

BILLING CODE 4510–26–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 36

Contracts under the Indian Self-Determination Act Removal of Regulations

AGENCY: Indian Health Service, HHS.

ACTION: Proposed Rule.

SUMMARY: The Indian Health Service (IHS) is proposing the elimination of 42 CFR part 36, subpart I, as mandated by Executive Order 12866 to streamline the regulatory process and enhance the planning and coordination of new and existing regulations.

DATES: Comments must be received on or before April 3, 2000.

ADDRESSES: Comments may be sent to Betty J. Penn, Regulations Officer, Indian Health Service, 12300 Twinbrook Parkway, Suite 450, Rockville, Maryland 20852; e-mailed to bPenn@hqe.IHS.gov; faxed to 301/443–2316; or hand delivered to the above address. Comments will available for inspection at the above address from 9:00 a.m. through 4:00 p.m. Monday through Friday, beginning approximately 2 weeks after publication of this document in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Leslie M. Morris, Director, Division of Regulatory and Legal Affairs, at Suite 450, 12300 Twinbrook Parkway, Rockville, MD 20852, telephone: (301) 443–1116. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On June 24, 1996, the Department of Health and Human Services (HHS) and the Department of the Interior (DOI) issued joint regulations authorized by section 107 of the Indian Self-Determination and Education Assistance Act (ISDA), Public Law 93–638, as amended, 25 U.S.C. 450k. These joint regulations, published in the **Federal Register** on June 24, 1996, and codified at CFR part 900, replaced Department regulations codified at 42 CFR part 36, subpart I, ''Contracts under the ISDA''; 48 CFR section 352.280–4, ''Contracts awarded under the ISDA''; 48 CFR 352.380–4, ''Contracts awarded under the ISDA; and 48 CFR subpart 380.4, ''Contracts awarded under the ISDA;'' because they are no longer necessary for the Administration of the IHS Programs.

Section 107(b) of the ISDA provides in pertinent part that ''the secretary is authorized to repeal any regulation inconsistent with the provisions of this act.'' The HHS has proposed at 64 FR 1344 to revise 48 CFR, Chapter 3, to streamline and simplify its acquisition regulations (HHSRA) in accordance with the directions of the National Performance Review. In so doing, the sections of 48 CFR eliminated by the joint rule (25 CFR part 900) issued by the HHS and the DOI would be removed. Therefore, this document proposes to eliminate only subpart I of 42 CFR part 36.

Publication of this proposed rule by the HHS provides the public and opportunity to participate in the rulemaking process. Interested persons may submit written comments regarding this proposed rule to the location identified in the addresses section of this document.

Executive Order 12866

This proposed rule is not a significant regulatory action under Executive Order 12866 and has not been reviewed by the Office of Management and Budget. It proposes only to remove obsolete regulations.

Regulatory Flexibility Act

The HHS certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act since it only proposes to remove obsolete regulations.

Executive Order 12612

The Department has determined that this rule does not have significant Federalism effects because it pertains solely to Federal-Tribal relations and will not interfere with the roles, rights, and responsibilities of States.

Paperwork Reduction Act of 1995

This regulation contains no information collection requirement that

would require notification of the Office of Management and Budget.

The authority to propose the elimination of these regulations is 42 U.S.C. 2003 and 25 U.S.C. 13.

List of Subjects in 42 CFR Part 36

American Indians, Alaska Natives, Government property, Health care, Indians—business and finance.

Dated: December 15, 1999.

Michael H. Trujillo,

Assistant Surgeon General Director, Indian Health Service.

Approved: January 20, 2000.

Donna E. Shalala,

Secretary of Health and Human Services.

For the reasons set out in the preamble, and under the authority of 42 U.S.C. 2003 and 25 U.S.C. 13, the Department proposes to remove subpart I of 42 CFR Part 36.

[FR Doc. 00–2048 Filed 1–31–00; 8:45 am]

BILLING CODE 4160–16–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–66, MM Docket No. 00–6, RM–9791]

Radio Broadcasting Services; McCook, NE

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by McCook Radio Group, LLC, requesting the allotment of Channel 271C1 to McCook, NE, as the community's fifth local FM service. Channel 271C1 can be allotted to McCook in compliance with the Commission's minimum distance separation requirements with a site restriction of 19.6 kilometers (12.2 miles) west, at coordinates 40–12–00 NL; 100–51–25 WL, to avoid a short-spacing to Station KKQY, Channel 270C1, Hill City, KS, and the pending application of Station KRNY, Channel 272C1, Kearney, NE. The Commission also proposes to editorially amend the FM Table of Allotments by substituting Channel 253C1 for Channel 253C2 at McCook to reflect the action taken pursuant to the one-step application (BMPH–19990301IC) of McCook Media Association specifying the higher class channel.

DATES: Comments must be filed on or before March 6, 2000, and reply comments on or before March 21, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: David M. Stout, President, McCook Radio Group, LLC, 1811 West ''O'' Street, McCook, NE 69001 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–6, adopted January 5, 2000, and released January 14, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 00–2094 Filed 1–31–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–65, MM Docket No. 00–5, RM–9752]

Radio Broadcasting Services; Las Vegas and Pecos, NM

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by BK Radio seeking the substitution of Channel 268C3 for Channel 268A at Las Vegas, NM, the reallotment of Channel 268C3 to Pecos, NM, as the community's first local aural service, and the modification of its construction permit to specify operation on the higher class channel and Pecos as its community of license. Channel 268C3 can be allotted to Pecos in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.1 kilometers (5.7 miles) east, at coordinates 35–32–54 North Latitude; 105–35–18 West Longitude, to accommodate petitioner's desired transmitter site.

DATES: Comments must be filed on or before March 6, 2000, and reply comments on or before March 21, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lee J. Peltzman, Shainis & Peltzman, Chartered, Suite 290, 1901 L Street, N.W., Washington, D.C. 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–5, adopted January 5, 2000, and released January 14, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 00–2093 Filed 1–31–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–25; MM Docket No. 93–28; RM–8172, RM–8299]

Radio Broadcasting Services; Colonial Heights, TN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule, denial.

SUMMARY: The Commission denied a petition for reconsideration of the *Memorandum Opinion and Order* on reconsideration, 62 FR 664, published January 6, 1997, filed by Newport Publishing Co., licensee of Station WMXK(FM), Channel 240A (95.9 MHz), Morristown, Tennessee. The Commission rejected Newport's claim that the uncertainty as to when it should change the frequency of WMXK(FM) to accommodate the upgrade of Station WRZK(FM), Channel 290A (105.9 MHz), Colonial Heights, Tennessee, was unduly burdensome and, therefore, contrary to Commission policy.

FOR FURTHER INFORMATION CONTACT: J. Bertron Withers, Jr., Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the *Memorandum Opinion and Order*, MM Docket 93–28, adopted January 6, 2000, and released January 7, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (room CY–A257) at its headquarters, 445 12th Street, S.W., Washington, DC 20554. The complete text of this decision may be also purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, N.W., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 00–2095 Filed 1–31–00; 8:45 am]

BILLING CODE 6712–01–U

Notices

Federal Register
Vol. 65, No. 21
Tuesday, February 1, 2000

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Southwest Oregon Province Interagency Executive Committee (PIEC) Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Southwest Oregon PIEC Advisory Committee will meet on February 16, 2000, at the Jot's Resort, 94360 Wedderburn Loop Road, Gold Beach, Oregon. The meeting will begin at 9:00 a.m. and continue until 5:00 p.m. Agenda items to be covered include: (1) Overview of PAC recharter; (2) Implementation Monitoring update; (3) Survey and Manage EIS; and (4) Public Comment.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Roger Evenson, Province Advisory Committee Coordinator, USDA, Forest Service, Umpqua National Forest, 2900 NW Stewart Parkway, Roseburg, Oregon 97470, phone (541) 957–3344.

Dated: January 24, 2000.

Roger J. Evenson,

Acting Designated Federal Official.

[FR Doc. 00–2068 Filed 1–31–00; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

Willamette Provincial Advisory Committee (PAC)

AGENCY: Forest Service, USDA.

ACTION: Action of Meeting.

SUMMARY: The Willamette Province Advisory Committee (PAC) will meet on Thursday, February 17, 2000. The meeting is scheduled to begin at 9:00 a.m., and will conclude at approximately 3:00 p.m. The meeting will be held at the Salem Office of the Bureau of Land Management, 1717 Fabry Road SE, Salem, Oregon, (503) 375–5646. The tentative agenda includes: (1) Presentation of recommendations by Waldo Basin Subcommittee, (2) Presentation of recommendations on Survey and Manage Draft EIS by Subcommittee, and (3) Roundtable information sharing by PAC members and federal agency representatives including status reports from PAC subcommittees. The Public Forum is tentatively scheduled to begin at 11:30 a.m. Time allotted for individual presentations will be limited to 3–4 minutes. Written comments are encouraged, particularly if the material cannot be presented within the time limits for the Public Forum. Written comments may be submitted prior to the December 6 meeting by sending them to Designated Federal Official Neal Forrester at the address given below.

FOR FURTHER INFORMATION CONTACT: For more information regarding this meeting, contact Designated Federal Official Neal Forrester; Willamette National Forest; 211 East Seventh Avenue; Eugene, Oregon 97401; (541) 465–6924.

Dated: January 25, 2000.

Richard L. Sawaya,

Acting Forest Supervisor.

[FR Doc. 00–2069 Filed 1–31–00; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Louisiana Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Louisiana Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 6:00 p.m. on February 8, 2000, at the Four Points Hotel, 333 Poydras, New Orleans, Louisiana 70130. The purpose of the meeting is to plan a community forum on environmental justice.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 913–551–1400 (TDD 913–551–1414). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, January 18, 2000.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 00–2096 Filed 1–31–00; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the New York State Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New York State Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 6:30 p.m. on February 16, 2000, at the Radisson Hotel and Suites, 4243 Genesee Street, Buffalo, New York 14225. The Committee will release its report, *Equal Housing Opportunities in New York: An Evaluation of Section 8 Housing Programs in Buffalo, Rochester and Syracuse*. The Committee will also discuss plans for a new project.

Persons desiring additional information, or planning a presentation to the Committee, should contact Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, January 18, 2000.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 00–2097 Filed 1–31–00; 8:45 am]

BILLING CODE 6335–01–F

DEPARTMENT OF COMMERCE

Office of the General Counsel; Laws or Regulations Posing Barriers to Electronic Commerce

AGENCY: Department of Commerce.

ACTION: Notice: Request for public comment on laws or regulations posing barriers to electronic commerce.

SUMMARY: The Department of Commerce, on behalf of the Subgroup on Legal Barriers to Electronic Commerce (''Legal Barriers Subgroup'') of the U.S. Government Working Group on Electronic Commerce, requests public comments and suggestions concerning policies, laws or regulations that need to be adapted in order to eliminate barriers to and promote electronic commerce, electronic services, and electronic transactions.

DATES: Comments are requested by March 17, 2000.

ADDRESSES: Comments may be submitted via the Web at *http://www.ecommerce.gov/ebarriers/respond.* Alternatively, electronic submissions may be sent as documents attached to E-mail messages addressed to ebarriers@ita.doc.gov. Submissions made as E-mail attachments or submitted on floppy disks should be in WordPerfect, Microsoft Word or ASCII format. Diskettes should be labeled with the name of the party and the name and version of the word processing program used to create the document. Paper submissions may be mailed to the Subgroup on Legal Barriers to Electronic Commerce, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Room 2815, Washington D.C. 20230. If possible, paper submissions should include floppy disks in WordPerfect, Microsoft Word or ASCII format. Except for floppy disks with paper submissions, duplicate copies should not be submitted.

FOR FURTHER INFORMATION CONTACT: Kenneth Clark, phone: 202–482–3843; E-mail kclark@doc.gov.

SUPPLEMENTARY INFORMATION:

Background

On November 29, 1999, President Clinton issued a Presidential Memorandum to the Heads of Executive Branch Departments and Agencies entitled ''Facilitating the Growth of Electronic Commerce.'' The President noted that the rapid growth of the Internet and its increasing use throughout the world for electronic commerce holds great promise for American consumers and for the Nation. Consumers will have significantly greater choice and convenience and will benefit from enhanced competition for their business. To realize this promise, the President said, it is essential that government facilitate ''not only retail activity, which has increased substantially, but also the movement to the online environment of other categories of transactions.''

The President noted that laws and regulations developed before the advent of electronic commerce may significantly impede consumers and businesses in conducting various kinds of transactions electronically. These impediments can involve requirements that particular types of transactions be conducted on paper or in person, or that records be maintained or provided in written form. They may also include regulatory, statutory or licensing requirements, or technical standards and other policies, that hinder electronic commerce or otherwise require business or transactions to be conducted in a way that discriminates against the online environment.

Such requirements and policies must therefore be reviewed and, where appropriate, adapted to the new electronic environment. But the President noted that in making these adaptations, it is essential to ensure that electronic commerce is as safe for consumers as traditional forms of commerce.

To implement these objectives, the President mandated that the United States Government Working Group on Electronic Commerce: (1) Identify laws and regulations that impose barriers to the growth of electronic commerce, and (2) recommend how these laws and regulations should be revised to facilitate the development of electronic commerce, while ensuring that protection of the public interest (including consumer protection) is equivalent to that provided with respect to offline commerce. The President mandated that the Commerce Department lead a subgroup to implement this work, and the Subgroup on Legal Barriers to Electronic Commerce has been formed to carry out those responsibilities.

The President directed the Subgroup to invite the public to participate in this effort by identifying laws or regulations that may obstruct, hinder or discriminate against electronic commerce, including those that should be modified on a priority basis. The Subgroup was also charged with inviting public comment on how such laws and regulations could be adapted to the electronic environment while ensuring that public interest protections will be equivalent to those now provided in offline commerce. This Notice and Request for Comment implements those directives.

Scope of This Request

Areas of Focus for the Working Group

Electronic Transactions

These include business-to-business and consumer-to-business transfer of information, money, or other resources. (Note that transactions between government agencies and the public are excluded from this review because they are being addressed as to federal agencies pursuant to the Government Paperwork Elimination Act.)

Merchandise Sales

The Legal Barriers Subgroup is interested in all types of policy, legal and regulatory impediments to electronic commerce and invites comment on any that may be identified. Conducting business in the sale of goods on the Internet may involve a wide range of issues besides the actual transaction, from incorporation and notice requirements to warranty or liability policies. Respondents are invited to comment on such issues and to identify policies, laws or regulations that may impede the offering of goods for sale electronically. Comments are also requested concerning how such barriers could be removed while ensuring that equivalent consumer protections to those guaranteed in traditional commerce will apply to the sale of goods online.

Offering Services

Comment is also invited concerning the provision of professional or other services by electronic means. Such services differ from industry to industry, but may be dependent on certain statutory or regulatory frameworks. Respondents are invited to comment on whether these frameworks discriminate against the provision of services by electronic means or make electronic provision of services more difficult. Respondents are also invited to discuss how best to adapt these frameworks appropriately to the online environment.

Multiple Party Regulation

The Committee is especially interested in comments on regulations governing the relationship or exchange of information between different categories of private parties (*e.g.,* between banks and students or insurance companies and doctors). Respondents are invited to comment on regulatory provisions that address communication between parties, whether these provisions impede

electronic commerce due to requirements for written documentation or other actions that create a disincentive to electronic information transfer, and how such impediments could be removed while still protecting the public interest.

Independent Agencies Included Within the Scope of the Inquiry

This request invites comments concerning laws or regulations administered by any federal agency, as the President's Memorandum invites participation in the Working Group by independent agencies concerned with its work. Any comments concerning laws or regulations administered by independent agencies will be forwarded to those agencies for their consideration.

Areas of Law and Regulation Excluded

This request for comment focuses on domestic laws or regulations that may adversely affect electronic commerce (although the potential effects of such laws or regulations on cross-border commerce are relevant to this inquiry and may be included in any response). However, the Legal Barriers Subgroup will refrain from reviewing laws and regulations in areas where comprehensive activities are already underway to remove regulatory or legal barriers to electronic commerce. Areas excluded from this inquiry include the following:

(1) Treaties, international laws, conventions or agreements, or the laws of countries other than the United States.

(2) Tax laws or regulations.

(3) The following consumer protection regulations, which are subject to current rulemaking proceedings of the Board of Governors of the Federal Reserve: Regulation B, relating to the Equal Credit Opportunity Act; Regulation E, relating to the Electronic Fund Transfer Act; Regulation M, relating to the Consumer Leasing Act; Regulation Z, relating to the Truth in Lending Act; and Regulation DD, relating to the Truth in Savings Act.

(4) Issues being addressed pursuant to the Government Paperwork Elimination Act, which mandates steps to be taken by the Federal Government to remove barriers to electronic communications with and within the Federal government.

Note concerning State or local laws and regulations: Barriers to electronic commerce may arise simply from a lack of uniformity in policies, laws, standards or codes among different jurisdictions. Although we do not request comments about individual state or local laws or regulations, respondents may wish to identify general areas in which barriers to electronic commerce result from State or local policies, laws, or practices; or from differing State and federal policies, laws, licensing requirements, standards or other practices. Respondents also may wish to comment on whether increased coordination is needed between the Federal and State governments to avoid unnecessary impediments to electronic commerce.

Basic Questions for Public Comment

Comments on any issue within the scope of this inquiry are welcome. However, responses to the following specific questions would be most helpful to the Working Group.

1. Does any federal agency-administered law or regulation impose an impediment to the conduct by electronic means of commercial transactions between you or your firm, company or organization and any other non-government party or parties? (Be as specific as possible in citing or otherwise identifying the law or regulation.)

2. If so:

(a) What is the degree of the impediment? (For example, does it completely bar the transaction from occurring electronically, or does it make the transaction more difficult, expensive, or time-consuming without barring it altogether?)

(b) What is the nature of the impediment? (For example, is it a recordkeeping requirement, a ''written notice'' requirement, or some other type of requirement?)

(c) Can you provide information as to the costs that are associated with or result from the legal or regulatory impediment?

(d) What do you understand to be the reason for imposing the requirement that causes the impediment?

(e) Can you suggest alternative ways, other than through the requirement that causes the impediment, by which the agency could achieve the goal of the requirement? (Most helpful would be examples that work in other contexts.)

(f) Can you suggest ways in which the requirement can be modified to remove or reduce the impediment while continuing to provide consumer protections for electronic transactions that are equivalent to those that exist for offline transactions.

Additional Issues or Questions for Public Comment

3. Do federal laws or regulations in any particular field or area generally impose significant impediments to the conduct of commercial transactions by electronic means? If so, please indicate how they result in such impediments and provide any suggestions you may have to remove or reduce the impediments, while achieving the purposes of the laws or regulations and maintaining equivalent consumer protections.

4. Are there particular federal laws or regulations that should be modified on a priority basis because they currently inhibit electronic commerce that is otherwise ready to take place? In responding to this and other questions, you are urged to take into account cross-border transactions that are now likely to occur electronically.

5. Are there federal laws or regulations that should be clarified to facilitate electronic commerce by preserving important public interests in the area of online commerce such as consumer protection, civil rights or law enforcement?

6. Are there federal laws or regulations that constitute disproportionate or particular barriers to electronic commerce for small businesses? If so, are there changes or solutions you can suggest that would enable small businesses to engage more easily in electronic commerce?

7. To the extent that the adaption of laws or regulations to the electronic environment requires electronic notices or disclosures, can you offer specific suggestions as to formatting or other requirements for such notices or disclosures to ensure that they are conspicuous and will be received and understood?

8. From the standpoint of consumers, are there federal laws or regulations that have already been adapted to the electronic environment in a manner that has resulted in a lessening of consumer protections—including protections against fraud, or against over-reaching by unscrupulous or exploitative entities? If so, what is the degree of the harm involved, or the amount of cost imposed?

9. Are there federal laws or regulations that have already been adapted to the electronic environment in a manner that has resulted in a lessening of other public-interest protections, such as those involving health, safety or the environment?

10. Have you encountered areas in which barriers to electronic commerce result from: (a) Particular subject areas or types of State laws; (b) a lack of uniformity, or conflicts, among State laws; or (c) differing or conflicting State and federal laws?

11. Have you encountered impediments to electronic commerce that stem from licensing requirements, technical standards, codes, or other policies? If yes, what are they and how could they be removed?

12. Have you encountered impediments to electronic commerce that stem from a lack of uniformity in such requirements, standards, codes, or other policies among State or local governments or between them and the Federal Government?

Specificity of Responses and Comments

Comments and responses to the questions posed in this notice will be most helpful if they are specific in (1) identifying federal laws or regulations imposing impediments to electronic commerce, and (2) estimating costs associated with these impediments through reduced sales or business efficiency. The Working Group would appreciate receiving suggestions for modifying the law, regulation or policy to reduce or remove the impediments, or alternative ways (other than through the provision at issue) by which the agency could achieve the goal of the provision while maintaining consumer and public protections equivalent to those provided for transactions taking place by non-electronic means. Questions 1 and 2, above, provide an example of the degree of detail in responses that would be most helpful.

Publication

Comments will be published online at *http://www.ecommerce.gov/ebarriers/review.* Respondents should not submit materials that they do not desire to be made public.

Authority: Presidential Memorandum, ''Facilitating the Growth of Electronic Commerce,'' dated November 29, 1999.

Dated: January 27, 2000.

Andrew J. Pincus,

General Counsel, Department of Commerce.

[FR Doc. 00–2198 Filed 1–31–00; 8:45 am]

BILLING CODE 3510–BW–U

DEPARTMENT OF COMMERCE

International Trade Administration

[A–357–007]

Carbon Steel Wire Rod From Argentina: Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On November 19, 1999, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on carbon steel wire rod from Argentina (64 FR 63283). We preliminarily determined that sales of the subject merchandise were made below normal value. This review covers one manufacturer/exporter of the subject merchandise to the United States, Acindar Industria Argentina de Aceros S.A. (''Acindar'') and the period November 1, 1997 through October 31, 1998.

We gave interested parties an opportunity to comment on the preliminary results. No comments were received. We have made no changes for the final results. We have determined that Acindar has made sales below normal value during the period of review. Accordingly, we will instruct the U.S. Customs Service to assess antidumping duties on entries subject to this review.

EFFECTIVE DATE: February 1, 2000.

FOR FURTHER INFORMATION CONTACT: Helen M. Kramer or Linda Ludwig, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–0405 or 482–3833, respectively.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Trade and Tariff Act of 1930, as amended (the Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act of 1994 (URAA). In addition, unless otherwise indicated, all references to the Department's regulations are to 19 CFR Part 351 (1999).

SUPPLEMENTARY INFORMATION:

Background

The Department published the preliminary results of this review on November 19, 1999 (64 FR 63283). We received no comments from interested parties. The Department has now completed this review in accordance with section 751(a) of the Act. We made no changes in the calculation methodology from the preliminary results.

Scope of the Review

The product covered by this review is carbon steel wire rod. This merchandise is currently classifiable under HTS item numbers 7213.20.00, 7212.31.30, 72113.39.00, 721113.41.30, 7213.49.00, and 7213.50.00. These HTS subheadings are provided for convenience and U.S. Customs purposes. The written description of the scope of the proceeding is dispositive.

Final Results of Review

As a result of this review, we have determined that the following margin exists for the period November 1, 1997 through October 31, 1998:

Manufacturer/exporter	Margin (percent)
Acindar Industria Argentina de Aceros S.A	2.63

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. For assessment purposes, the duty assessment rate will be a specific amount per metric ton. The Department will issue appropriate appraisement instructions directly to the Customs Service. Further, the following deposit requirements shall be effective for all shipments of the subject merchandise from Argentina that are entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for Acindar will be the rate established above in the ''Final Results of Review'' section; (2) for previously investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters of this merchandise will continue to be 119.11 percent, the ''All Others'' rate made effective by the LTFV determination. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice serves as the only reminder to parties subject to

administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306 of the Department's regulations. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulation and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221.

Dated: January 19, 2000.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 00–2125 Filed 1–31–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–047]

Elemental Sulphur From Canada: Extension of Time Limit for Final Results of the Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit for final results of antidumping duty administrative review.

SUMMARY: The Department of Commerce (''the Department'') is extending the time limit for the final results of the review of elemental sulphur from Canada. This review covers the period December 1, 1997 through November 30, 1998.

EFFECTIVE DATE: February 1, 2000.

FOR FURTHER INFORMATION CONTACT: Rick Johnson at (202) 482–3818; Office of AD/CVD Enforcement, Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230.

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA).

Postponement of Final Results

The Department has determined that it is not practicable to issue its final results of the administrative review within the current time limit of January 21, 2000. *See Decision Memorandum from Joseph A. Spetrini, Deputy Assistant Secretary, Enforcement Group III to Robert LaRussa, Assistant Secretary for Import Administration.* Therefore, the Department is extending the time limit for completion of the final results until February 29, 2000, in accordance with Section 751(a)(3)(A) of the Act.

Dated: January 21, 2000.

Joseph A. Spetrini,

Deputy Assistant Secretary for Enforcement Group III.

[FR Doc. 00–2124 Filed 1–31–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–506]

Oil Country Tubular Goods From Canada: Extension of Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit for preliminary results of antidumping duty administrative review.

EFFECTIVE DATE: February 1, 2000.

FOR FURTHER INFORMATION CONTACT: Mark Manning, at (202) 482–3936, or Nithya Nagarajan, at (202) 482–5253, Office of AD/CVD Enforcement IV, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW, Washington, DC 20230.

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''the Act''), requires the Department of Commerce (''the Department'') to make a preliminary determination within 245 days after the last day of the anniversary month of an order/finding for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary results to a maximum of 365 days and for the final results to 180 days (or 300 days if the Department does not extend the time limit for the preliminary results) from the date of publication of the preliminary results.

Background

On August 24, 1999, the Department published a notice of initiation of administrative review of the antidumping duty order on oil country tubular goods from Canada, covering the period December 1, 1998 through May 30, 1999 (64 FR 47167). The preliminary results are currently due no later than February 29, 2000.

Extension of Preliminary Results of Review

We determine that it is not practicable to complete the preliminary results of this review within the original time limit. Therefore, the Department is extending the time limit for completion of the preliminary results until no later than June 30, 2000. *See* Decision Memorandum from Tom Futtner to Holly A. Kuga, dated January 21, 2000, which is on file in the Central Records Unit. We intend to issue the final results no later than 120 days after the publication of the preliminary results notice.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: January 21, 2000.

Holly A. Kuga,

Acting Deputy Assistant Secretary, Import Administration, Group II.

[FR Doc. 00–2126 Filed 1–31–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 012000A]

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a joint meeting of its Dolphin Wahoo Committee with the Gulf of Mexico Council's Mackerel Committee, and the Caribbean Council's Dolphin Wahoo Committee.

DATES: The meeting will be held on February 15, 2000, from 1:30 p.m. to

5:00 p.m., and on February 16, 2000, from 8:30 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at the Town and Country Inn, 2008 Savannah Highway (US 17), Charleston, SC; telephone: (843) 571–1000 or 1–800–334–6660.

Council address: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306; Charleston, SC 29407–4699.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer; telephone: (843) 571–4366; fax: (843) 769–4520; email: kim.iverson@noaa.gov.

SUPPLEMENTARY INFORMATION: The Committees will review and discuss maximum sustainable yield and overfishing definitions for the dolphin and wahoo species; review general management measures and regional management measures contained in the public hearing draft of the fishery management plan (FMP) for dolphin and wahoo; discuss proposed highly migratory species pelagic longline closures, and revise both the general and regional measures for the dolphin and wahoo FMP.

Although non-emergency issues not contained in this agenda may come before the Council for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in the notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by February 11, 2000.

Dated: January 27, 2000.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 00–2130 Filed 1–31–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 012000B]

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will convene a meeting of the Council/Atlantic States Marine Fisheries Commission's Red Drum Stock Assessment Group (Group).

DATES: The meeting will be held on February 22, 2000, from 8:30 a.m. and will conclude by 5:00 p.m.

ADDRESSES: The meeting will be held at the Town and Country Inn, 2008 Savannah Highway (US 17), Charleston, SC; telephone: (843) 571–1000 or 1–800–334–6660.

Council address: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306; Charleston, SC 29407–4699.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer; telephone: (843) 571–4366; fax: (843) 769–4520; email: kim.iverson@noaa.gov.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to evaluate a stock assessment on the status of the red drum stocks in the Atlantic prepared by NMFS in cooperation with the South Atlantic states. The Group will consider available information, including but not limited to, commercial and recreational catches, natural and fishing mortality estimates, recruitment, fishery-dependent and fishery-independent data, and data needs. These analyses will be used to determine the condition of the stocks. Currently, it is illegal to harvest or possess red drum in Atlantic Federal waters.

Although non-emergency issues not contained in this agenda may come before the Council for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in the notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by February 7, 2000.

Dated: January 27, 2000.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 00–2131 Filed 1–31–00; 8:45 am]

BILLING CODE 3510–22–F

COMMODITY FUTURES TRADING COMMISSION

RIN 3038–ZA07

Application of the Merchants' Exchange of St. Louis, L.L.C. for Designation as a Contract Market in the Illinois Waterway and St. Louis Harbor Barge Rate Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contracts.

SUMMARY: The Merchants' Exchange of St. Louis. L.L.C. (''MESL'' or ''Exchange'') has applied for designation as a contract market for the automated trading of deliverable Illinois Waterway and St. Louis Harbor barge rate futures contracts on an electronic trading system (''MESL System'').

The Exchange has not previously been approved by the Commodity Futures Trading Commission (''Commission'') as a contract market in any commodity. Accordingly, in addition to the terms and conditions of the two proposed futures contracts, MESL has submitted to the Commission a proposed trade-matching algorithm; proposed rules pertaining to MESL governance, disciplinary and arbitration procedures, trading standards and recordkeeping requirements; and various other materials to meet the requirements for a board of trade seeking initial designation as a contract market.

MESL has reached a preliminary agreement with, and is in the process of negotiating a definitive agreement with, the Board of Trade Clearing Corporation (''BOTCC'') to provide all clearance and settlement functions. The National Futures Association (''NFA'') would perform several of MESL's required regulatory functions.

Acting pursuant to the authority delegated by Commission Regulation 140.96, the Division of Economic Analysis and the Division of Trading

and Markets have determined to publish the Exchange's proposal for public comment. The Divisions believe that publication of the proposal for comment at this time is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the Commodity Exchange Act. The Divisions seek comment regarding all aspects of MESL's application and addressing any issues commenters believe the Commission should consider.

DATES: Comments must be received on or before April 3, 2000.

FOR FURTHER INFORMATION CONTACT: With respect to questions about the terms and conditions of MESL's proposed futures contracts, please contact Frederick V. Linse of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581: telephone number (202) 418–5273; facsimile number (202) 418–5527; or electronic mail: *flinse@cftc.gov.* With respect to MESL's other proposed rules, please contact Rachel F. Berdansky of the Division of Trading and Markets at the same address; telephone number: (202) 418–5429; facsimile number (202) 418–5536; or electronic mail: *rberdansky@cftc.gov.*

SUPPLEMENTARY INFORMATION:

I. Description of Proposal

By letter dated January 7, 2000, and received January 12, 2000, MESL, a Missouri for-profit limited liability company, has applied to the Commission for designation as a contract market for the automated trading of deliverable Illinois Waterway and St. Louis Harbor barge rate futures contracts. Since December 1998, MESL has been operating an inter-dealer exchange for barge freight in the cash market as the successor to the Merchants' Exchange of St. Louis, a not-for-profit entity.[1] Neither entity has previously been approved as a contract market in any commodity. Thus, in addition to the terms and conditions of the two proposed futures contracts, MESL has submitted, among other things, proposed trade-matching algorithm procedures and rules pertaining to MESL governance, disciplinary and arbitration procedures, trading standards, and recordkeeping requirements.

Pursuant to the Missouri Limited Liability Company Act, MESL is wholly-owned by its ''members.'' Although MESL's members/owners (''Owners'') hold all equity interest and voting rights, MESL System trading privileges would not convey with MESL membership.[2] Only persons approved by MESL would be granted trading privileges (collectively referred to as ''Trading Privilege Holders'' (''TPHs'')). MESL's Owners would not be prohibited from obtaining trading privileges, but would be required to complete the standard TPH application and approval process.[3] MESL also would require that every TPH applicant either be a clearing member, have a clearing arrangement with a clearing member, or have an account with a firm that has a relationship with a clearing member.

The Exchange would be governed by a five-person Board of Managers (''Board''), which would include at least one public Manager, appointed jointly by a vote of MESL's Owners. The Owners also would elect one of the Managers to serve as Chairman. Among other things, the Board would elect MESL's officers and approve TPHs.[4] Day-to-day operations would be managed by an Executive Committee comprised of MESL's Chairman and President.

MESL proposes to trade each of its two contracts from 8:30 a.m. to 4 p.m., Central Time, on each business day. The contracts would trade over the MESL System, an automated trading system licensed by Exchange Cubed, LLC, a software and systems development company.[5] Under the proposal, TPHs would use their own computers to access the MESL System over a proprietary network. TPHs or their authorized employees would be required to input into the MESL System the price, quantity, commodity, contract month, and the account designation for each order.[6] If a customer order could not by its terms be immediately entered into the MESL System, the TPH or AT receiving the order would be required to prepare a written order ticket that included the time of receipt, date, account designation, and all other required information. The TPH or AT would be required to enter the order as soon as possible.

The MESL System would accept the entry of any market order, limit order, stop limit order or market-if-touched order and would permit contingencies such as day-trade orders and good-til-cancelled orders. These orders would be executed pursuant to a trade-matching algorithm that would match orders on the basis of price first and time second. Upon execution of a transaction, a digital confirmation would be provided to the submitting TPH. Within approximately thirty minutes of the execution of each trade, the Exchange represents that the MESL System would transmit matched trade data to the BOTCC. Trade data for each trade would be made immediately available to the appropriate clearing member for review. The clearing member would be required to accept or challenge the trade within thirty-minutes of receipt from MESL.

MESL also would permit transactions involving the exchange of futures for physicals (''EFP''). Specifically, MESL would allow a bona-fide EFP of any size to be entered into at a price mutually agreed upon by the two transacting parties at any time during a 24-hour trading day. EFPs would be cleared by the BOTCC in the regular manner and would be designated as a noncompetitive transaction in the relevant records.

MESL expects to contract with NFA to perform several of MESL's required regulatory services. These services would encompass reviewing TPH applications and conducting background checks, and operating MESL's arbitration program and portions of its disciplinary program.[7]

[1] The Merchants' Exchange of St. Louis was organized in 1836 for the purpose of trading cash and futures products, including barge freight, but ceased trading futures contracts prior to the creation of the Commission.

[2] Each MESL Owner has executed the MESL Operating Agreement. A limited liability company's operating agreement is comparable to a partnership agreement for a limited partnership or the combination of by-laws and a shareholders' agreement of a corporation. All individuals or entities that become Owners in the future also would be required to sign the MESL Operating Agreement.

[3] The Exchange would define ''person'' to include a natural person, association, partnership, limited liability company, trust, or corporation. For purposes of the Exchange's application for contract market designation and its proposed rules, the term ''members'' constitutes any person (including Owners) approved as a TPH. In this regard, an Owner that is not a TPH would not be considered a member.

[4] The Board's other responsibilities would include setting compensation for officers and employees, setting transaction fees, and approving any amendments to MESL's Operating Agreement or rule revisions.

[5] MESL expects to collect a transaction fee for each trade executed on the MESL System.

[6] Those TPHs that are either a Futures Commission Merchant, Introducing Broker, or Commodity Trading Advisor, would be permitted to authorize employees to exercise their trading privileges. These employees are referred to as Authorized Traders (''ATs''). ATs would be required to sign an agreement consenting to be bound by MESL's rules.

[7] The Exchange's proposed disciplinary rules are substantially the same as NFA's disciplinary rules. The Exchange anticipates that its Business Conduct Committee (''BCC'') and Hearing Committee would consist of NFA's BCC and Hearing Committee, respectively, plus one Exchange representative on each committee. Appeals would be heard by the Exchange's Executive Committee.

MESL also expects to contract with NFA to operate its trade practice surveillance program. This responsibility would entail conducting investigations and prosecuting the resulting disciplinary actions.

II. Request for Comments

Any person interested in submitting written data, views, or arguments on the proposal to designate MESL should submit their views and comments by the specified date to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521, or by electronic mail to *secretary@cftc.gov.* The Divisions seek comment on all aspects of MESL's application for designation as a new contract market. Reference should be made to MESL's application for designation as a contract market in Illinois Waterway and St. Louis Harbor barge rate futures contracts. Copies of each contract's proposed terms and conditions are available for inspection at the Office of the Secretariat at the above address. Copies also may be obtained through the Office of the Secretariat at the above address or by telephoning (202) 418–5100.

Other materials submitted by MESL may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552), except to the extent that they are entitled to confidential treatment pursuant to 17 CFR 145.5 or 145.9. Requests for copies of such materials should be made to the Freedom of Information, Privacy and Sunshine Act compliance staff of the Office of the Secretariat at the Commission headquarters in accordance with 17 CFR 145.7 and 145.8.

Issued in Washington, DC, on January 21, 2000.

Alan L. Seifert,

Deputy Director.

[FR Doc. 00–2116 Filed 1–31–00; 8:45 am]

BILLING CODE 6351–01–U

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, February 4, 2000.

PLACE: 1155 21st St., NW, Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00–2217 Filed 1–28–00; 1:23 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting; Notice

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, February 11, 2000.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00–2218 Filed 1–28–00 1:23 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting; Notice

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, February 18, 2000.

PLACE: 1155 21st St., NW, Washington DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00–2219 Filed 1–28–00; 1:23 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting; Notice

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, February 25, 2000.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00–2220 Filed 1–28–00; 1:23 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

RIN 3038–ZA08

Average Price Calculations by Futures Commission Merchants

AGENCY: Commodity Futures Trading Commission.

ACTION: Advisory.

SUMMARY: The Commodity Futures Trading Commission (''Commission'') is issuing guidance concerning the circumstances in which a futures commission merchant (''FCM'') may calculate for and confirm to its customers an average price when multiple prices are received on an order or series of orders. The Commission has determined that if prerequisite conditions specified in this advisory are met, an FCM may calculate an average price for its affected customers whether the contracts involved are traded on domestic or non-domestic exchanges.

EFFECTIVE DATE: February 1, 2000.

FOR FURTHER INFORMATION CONTACT: David Taylor, (202) 418–5488.

ADVISORY:

I. Introduction and Background

On September 15, 1999, the Commodity Futures Trading Commission (''CFTC'' or ''Commission'') Division of Trading and Markets (''Division'') received a written request from the Futures Industry Association (''FHA'') Law and Compliance Division for guidance from the Commission regarding whether a futures commission merchant (''FCM'') may calculate an average price for its customers in situations when multiple prices are received on an order or series of orders involving contracts traded on domestic as well as non-domestic exchanges.

The CFTC has permitted the use of average prices in the futures industry since 1992. On April 10, 1992, the

Division permitted the Chicago Mercantile Exchange (''CME'') to make effective without Commission approval CME Rule 553, which enabled an FCM to confirm to its customers an average price calculated by the Exchange when multiple prices were received on an order or series of orders for the FCM's customers. On June 10, 1992, the Division permitted the Chicago Board of Trade (''CBI'') to make effective without Commission approval a similar average price order provision (CBT Rule 421.03). Under these rules, a domestic exchange has been responsible for calculating the average prices for contracts executed on that exchange, and the FCM involved has confirmed these prices to the appropriate customers.

On May 26, 1995, the Division issued a non-action letter (''No-Action Letter'') that permits an FCM to calculate and confirm average prices to its customers for trades executed on non-domestic exchanges (CFTC No-Action Letter No. 95–59, CCH Comm. Fut. L. Rep. ¶ 26,434, 1995 WL 389299 (C.F.T.C)). Where non-domestic exchanges are involved, the No-Action Letter permits the FCM itself, subject to certain conditions, to calculate the average price and then confirm it to its customers.

Certain FCMs have recently expressed an interest in having the flexibility to calculate average prices for contracts executed on both domestic and non-domestic exchanges. Although some FCMs will still prefer to use the exchange calculations, other FCMs have developed the necessary systems to support the average price calculations for contracts executed on non-domestic exchanges. These FCMs would prefer to apply their systems for all contracts for which average price calculations would be appropriate.[1] These firms have indicated that this flexibility would increase efficiencies by allowing them to apply a consistent operational function for average pricing on both domestic and non-domestic exchanges.

[1] As specified in current exchange rules regarding average pricing, an order or series of orders executed during a Regular Trading Hours Session or matched during an electronic trading session at more than one price may be averaged if each order is for the same account or group of accounts and for the same commodity and month for futures, or for the same commodity, month, put/call and strike price for options. APS treatment may apply to multiple accounts that are part of a managed account program or other common investment program, or to individual discretionary accounts. It may also be applied to individual non-discretionary accounts, but prices for one of these accounts may not be averaged with those of other non-discretionary accounts.

II. Prerequisite Conditions for FCM Calculation of Average Prices

The Commission believes that it would be acceptable to allow flexibility for FCMs to calculate and confirm average prices involving contracts traded on domestic as well as non-domestic exchanges, provided that certain prerequisite conditions were met. The applicable conditions would be as follows:

1. The customer has requested average price reporting.[2]

2. Average price reporting in accordance with this Advisory is permitted under the rules of the domestic exchange involved or not prohibited under the rules of the foreign exchange involved.

3. Each individual trade is submitted and cleared by the relevant clearing organization at the executed price.

4. The FCM calculates and confirms to its customers the weighted mathematical average price.[3]

5. The FCM possess the records to support the calculations and the allocations to customer accounts, maintains them in accounts, maintains them in accordance with Commission Regulation 1.31, and makes them available for inspection by affected customers on request.

6. The FCM identifies each trade to which an average price is assigned as having an average price on each confirmation statement and monthly statement on which the trade is reported to the customer pursuant to Commission Regulation 1.33.[4]

7. The FCM's proprietary trades are not averaged with customer trades subject to average price calculations.[5]

The Commission believes that these conditions provide reasonable safeguards that support permitting an FCM to perform average price calculations. The Commission further believes that these conditions should be applied consistently for the calculation of trades executed on both domestic and non-domestic exchanges.

III. Conclusion

Average prices have been in use for several years and in certain instances can be more informative and understandable to customers than providing different and multiple prices. Permitting FCMs to calculate and confirm average prices to customers effectively permits alternative operational procedures to achieve the same results. It also furthers the Commission's stated goal of reducing the regulatory burden on the domestic futures industry, in order to permit it to compete freely in the global futures marketplace, whenever this can be done without undermining the purposes of and the safeguards provided by the Commodity Exchange Act and the Commission's regulations.

Accordingly, the Commission has determined that where all of the prerequisite conditions specified above are met, FCMs may, if they choose, calculate average prices for and confirm average prices to their affected customers, whether the contracts involved are executed on domestic or non-domestic exchanges.

Issued in Washington, D.C., on January 20, 2000 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00–1907 Filed 1–31–00; 8:45 am]

BILLING CODE–6351–01–M

[2] Under Commission Regulation 1.35(a–1) and Appendix C [¶ 2211C], it will continue to be impermissible to bunch an order of a customer who has not requested average pricing with other orders in a bunched order for which the specified allocation designator or allocation method is average pricing.

[3] As currently required for average price calculations made by exchanges, the weighted mathematical average price is to be computed by: (a) multiplying the number of contracts purchased or sold at each execution price by that price, (b) adding the results together, and (c) dividing by the total number of contracts. For a series of orders, the average price may be computed based on the average price of each order in that series. As in current practice, FCMs are permitted to confirm to customers either the actual average price or the average price rounded to the next price increment. In the latter case, the FCM must round the average price up to the next price increment for a buy order or down to the next price increment for a sell order, and pay any residual thus created to the customer, thus placing that customer in the same position as if the actual average price had been confirmed to him or her. APS calculations can produce prices that do not conform to whole cent increments, and in such cases amounts less than one cent may be retained by the FCM. Although disclosure to customers concerning how average prices are calculated was required when use of average prices was first permitted in 1992 as noted above, FIA has represented to the Commission that such disclosures are no longer needed because average pricing has become familiar to futures industry customers. Accordingly, the Commission will no longer require an FCM to provide such disclosures to its customers, but notes that an FCM should provide such information upon a customer's request.

[4] Where an FCM makes it own average price calculations as set forth above, the FCM will no longer be required to indicate average price treatment on order tickets or electronic trading system entries, since in that event the clearing house will no longer be involved, and since the simple arithmetic calculation of an average price does not implicate any on-floor or electronic trading system trade practice.

[5] In situations where the FCM participates on its own behalf in a collective vehicle such as a hedge fund, and trades of the collective vehicle are included in average pricing involving customers of the FCM, the Commission will not regard the FCM as having violated the prohibition on averaging proprietary trades with customer trades so long as the FCM owns less than 10% of the collective vehicle (see Commission Regulation 1.3(y)).

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to delete and amend records systems.

SUMMARY: The Department of the Air Force proposes to delete three and amend two systems of records notices from its inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The actions will be effective on March 2, 2000, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Air Force Access Programs Manager, Headquarters, Air Force Communications and Information Center/INC, 1250 Air Force Pentagon, Washington, DC 20330–1250.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Rolling at (703) 588–6187.

SUPPLEMENTARY INFORMATION: The Department of the Air Force's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed amendments are not within the purview of subsection (r) of the Privacy Act (5 U.S.C. 552a), as amended, which would require the submission of a new or altered system report for each system. The specific changes to the records systems being amended are set forth below followed by the notices as amended, published in their entirety.

Dated: January 21, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F034 AF SVA D

System name:

Air Force Educational Assistance Loans

Reason: Records have been destroyed.

F036 AF DP E

System name:

Civilian Pay-Personnel-Manpower (PAPERMAN)

Reason: Records were incorporated into F036 AF PC Q.

F031 AF SP B

System name:

Air Force Policy Statement-Firearms Safety and Use of Force

Reason: Records have been destroyed.

F032 AF CE E

System name:

Visiting Officer Quarters-Transient Airman Quarters Reservation *(June 11, 1997, 62 FR 31793).*

Changes:

System identifier:

Delete entry and replace with ''F034 AF AFSVA A''.

System name:

Delete entry and replace with ''Lodging Reservations System.''

System location:

Delete entry and replace with ''All Air Force installations with lodging facilities. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.''

* * * * *

Categories of records in the system:

Delete entry and replace with ''Registration includes name, Social Security Number, credit card number, unit and/or home address, duty and/or home phone, purpose of visit, grade/rank, gender, point of contact name and number.''

* * * * *

Purpose(s):

Delete entry and replace with ''To register occupants and charge for lodging.''

* * * * *

Safeguards:

Delete entry and replace with ''Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.''

Retention and disposal:

Delete entry and replace with ''Disposition pending (until NARA disposition is approved, treat as permanent)''.

* * * * *

Record source categories:

Delete entry and replace with ''From individual or point of contact making reservation.''

* * * * *

F034 AF AFSVA A

System name:

Visiting Officer Quarters-Transient Airman Quarters Reservation.

System location:

All Air Force installations with Visiting Officer and/or Transient Airman Quarters. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Categories of individuals covered by the system:

Personnel registering to obtain a room for the duration of visit.

Categories of records in the system:

Registration of transient personnel into quarters.

Authority for maintenance of the system:

10 U.S.C. 8013, Secretary of the Air Force and E.O. 9397 (SSN).

Purpose(s):

To register occupants of base transient quarters and charge for billeting.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets and on computer and computer output products.

Retrievability:

Retrieved by name or Social Security Number.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official

duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

Retention and disposal:

Disposition pending (until NARA disposition is approved, treat as permanent).

System manager(s) and address:

Lodging Program Manager, Lodging Department, Headquarters Air Force Services Agency (HQ AFSVA/SVOHL), 10100 Reunion Place, Suite 501, San Antonio, TX 78216–4138.

Notification procedure:

Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the lodging manager on base, or the Lodging Program Manager, Lodging Department (HQ AFSVA/SVOHL), 10100 Reunion Place, Suite 501, San Antonio, TX 78216–4138.

Full name and Social Security Number are required for identification.

Record access procedures:

Individuals seeking to access records about themselves contained in this record system should address written requests to the lodging manager on base, or the Lodging Program Manager, Lodging Department (HQ AFSVA/SVOHL), 10100 Reunion Place, Suite 501, San Antonio, TX 78216–4138.

Full name and Social Security Number are required for access.

Contesting record procedures:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

Record source categories:

From individual or point of contact making reservation.

Exemptions claimed for the system:

None.

F034 AF SVA A

System name:

Non-Appropriated Fund (NAF) Civilian Personnel Records *(June 11, 1997, 62 FR 31793).*

Changes:

System identifier:

Delete entry and replace with ''F034 AF AFSVA B''.

System location:

Delete entry and replace with ''Human resources offices. Official mailing addresses are published as an appendix to the Air Force'' compilation of systems of records notices.

* * * * *

Categories of records in the system:

Delete entry and replace with ''Life cycle personnel actions and documents related to employment, benefits, and pay of NAF employees.''

* * * * *

Retention and disposal:

Delete entry and replace with ''Transfer folder to National Personnel Records Center (NPRC), St. Louis, MO, 30 days after latest separation.''

* * * * *

Record source categories:

Delete ''financial institutions'' and ''police and investigating officers.''

* * * * *

F034 AF AFSVA B

System name:

Non-Appropriated Fund (NAF) Civilian Personnel Records.

System location:

Human resources offices. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Categories of individuals covered by the system:

Air Force civilian employees paid from non-appropriated funds.

Categories of records in the system:

Life cycle personnel actions and documents related to employment, benefits, and pay of NAF employees.

Authority for maintenance of the system:

10 U.S.C. 8013, Secretary of the Air Force.

Purpose(s):

To document and record personnel action on individual employees and to determine pay and other benefit entitlements.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The ''Blanket Routine Uses'' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.

Retrievability:

Retrieved by name.

Safeguards:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know.

Retention and disposal:

Transfer folder to National Personnel Records Center (NPRC), St. Louis, MO, 30 days after latest separation.

System manager(s) and address:

Chief, Human Resources Division, Headquarters Air Force Services Agency (HQ AFSVA/SVXH), 10100 Reunion Place, Suite 502, San Antonio, TX 78216–4138.

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the servicing human resources office. Identifying information is required to satisfy custodian of record. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Record access procedures:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the servicing human resources office maintaining record. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Contesting record procedures:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

Record source categories:

Information obtained from previous employers, financial institutions, educational institutions, police and investigating officers, personnel documents requesting and appointing and paying individual, and from

documents related to designation of benefits and beneficiaries.

Exemptions claimed for the system:

None.

[FR Doc. 00–1863 Filed 1–31–00; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; System of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice to amend records systems.

SUMMARY: The Defense Logistics Agency proposes to amend a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The action will be effective on March 2, 2000, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvior, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767–6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Defense Logistics Agency proposes to amend one system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The changes to the system of records are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems report. The record system being amended is set forth below, as amended, published in its entirety.

Dated: January 21, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S200.30 DLA-M

System name:

Reserve Affairs *(February 22, 1993, 58 FR 10854).*

Changes

System Identifier:

Delete entry and replace with ''S200.30 CAI''.

* * * * *

Authority for maintenance of the system:

Delete entry and replace with ''10 U.S.C. Part II, Personnel; 10 U.S.C. 133, Under Secretary of Defense for Acquisition and Technology; and E.O. 9397 (SSN).''

Purpose(s):

Delete entry and replace with ''The files are maintained to provide background information on individuals assigned to DLA and to document their assignment. Data is used in preparation of personnel actions such as reassignments, classification actions, promotions, scheduling, and verification of active duty and inactive duty training. The data is also used for management and statistical reports and studies.''

* * * * *

Retrievability:

Delete entry and replace with ''Retrieved by last name and Social Security Number.''

Safeguards:

Records are maintained in area accessible only to DLA personnel who must use the records to perform their duties. The computer files are password protected with access restricted to authorized users. Records are secured in locked or guarded buildings, locked officer, or locked cabinets during nonduty hours.

* * * * *

Record source categories:

Delete entry and replace with 'Data is provided by the Military Services and the individual.'

* * * * *

S200.30 DLA-M

System name:

Reserve Affairs.

System location:

Executive Director, Plans and Operations, Corporate Administration, Headquarters, Defense Logistics Agency, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221, and the heads of the DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Categories of individuals covered by the system:

All Ready Reserve, Army, Air Force, Navy and Marine personnel assigned to DLA Individual Mobilization Augmentee (IMA) positions.

Categories of records in the system:

The files contain name, grade, Social Security Number, service, career specialty, position title, date of birth, commission date, promotion date, release date, security clearance, education, home address and civilian occupation of the individuals involved.

Authority for maintenance of the system:

10 U.S.C. Part II, Personnel; 10 U.S.C. 133, Under Secretary of Defense for Acquisition and Technology; and E.O. 9397 (SSN).

Purpose(s):

The files are maintained to provide background information on individuals assigned to DLA and to document their assignment. Data is used in preparation of personnel actions such as reassignments, classification actions, promotions, scheduling, and verification of active duty and inactive duty training. The data is also used for management and statistical reports and studies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The ''Blanket Routine Uses'' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records:

Storage:

Records are stored in paper and electronic form.

Retrievability:

Retrieved by last name and Social Security Number.

Safeguards:

Records are maintained in area accessible only to DLA personnel who must use the records to perform their duties. The computer files are password protected with access restricted to authorized users. Records are secured in

locked or guarded buildings, locked officer, or locked cabinets during nonduty hours.

Retention and disposal:

Records are destroyed 2 years after separation or release from mobilization designation, or after supersession or obsolescence, or after 5 years, as appropriate.

System manager(s) and address:

Executive Director, Plans and Operations, Corporate Administration Military, Headquarters, Defense Logistics Agency, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221 and the heads of the DLA PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Notification procedure:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221, or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an Appendix to DLA's compilation of systems of records notices.

Record access procedures:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221, or the Privacy Act Officer of the particular DLA PLFA involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Contesting record procedures:

The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

Record source categories:

Data is provided by the Military Services and the individual.

Exemptions claimed for the system:

None.

[FR Doc. 00–1864 Filed 1–31–00; 8:45 am]
BILLING CODE 5001–10–F

DEPARTMENT OF EDUCATION

Federal Family Education Loan Program

AGENCY: Department of Education.

ACTION: Announcement of guaranty agencies selected to negotiate participation in a Voluntary Flexible Agreement.

SUMMARY: The Secretary announces the guaranty agencies that have been selected as possible participants in Voluntary Flexible Agreements under Section 428A of the Higher Education Act of 1965, as amended (the ''HEA'').

FOR FURTHER INFORMATION CONTACT: Mr. Cameron R. Ishaq, Department of Education, Student Financial Assistance, 7th and D Streets SW, Room 4616 Washington, DC 20202, (202) 260–5076.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: On July 28, 1999, the Secretary published a Notice in the **Federal Register** (64 FR 40859) inviting guaranty agencies participating in the Federal Family Education Loan (FFEL) Program to apply to participate in the FFEL Program under a Voluntary Flexible Agreement (VFA) as authorized by Section 428A of the HEA. The Notice informed the guaranty agencies of the deadline for submission of the application, the information that needed to be included with the application and an outline of the evaluation and selection process that the Secretary planned to use.

Nine guaranty agencies submitted timely VFA applications. Eight of the agencies made oral presentations to the Secretary's representatives during September and October. The Secretary has evaluated the information provided by the nine agencies in their applications and oral presentations and has selected six agencies with which to try to negotiate a VFA. The selected agencies are identified in this notice.

The Secretary believes that each of the selected VFA applications includes specific proposals that could improve the FFEL Program. However, a number of the applications also include proposals that the Secretary believes are outside the appropriate scope of a VFA or are contrary to the Secretary's policies and goals.

In light of this situation, the Secretary has decided not to publish the selected VFA proposals at this time. The Secretary understands, however, that each of the selected guaranty agencies has made their proposal public. In the list of selected agencies below, the Secretary is also providing the guaranty agency's contact to obtain a copy of the proposal.

The agencies selected by the Secretary are:

1. American Student Assistance (ASA)
Proposal available from:
www.amsa.com
2. California Student Aid Commission/EdFund (CSAC)
Proposal available from:
www.csac.ca.gov
3. Colorado Student Loan Program (CSLP)
Proposal available from: www.cslp.org
4. Great Lakes Higher Education Assistance Corporation (GLHEAC)
Proposal available from: www.glhec.org
5. Pennsylvania Higher Education Assistance Authority (PHEAA)
Proposal available from: Peggy Shedden
(717) 720–2660 or
pshedden@pheaa.org
6. Texas Guaranteed Student Loan Corporation (TGSLC)
Proposal available from: www.tgslc.org

Electronic Access to this Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in Washington, DC, area at (202) 512–1530.

Note:

The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html.

Program Authority: 20 U.S.C. 1078–1.

Dated: January 20, 2000.

Greg Woods,

Chief Operating Officer, Office of Student Financial Assistance.

[FR Doc. 00–2195 Filed 1–28–00; 11:11 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Office of Environmental Management; Environmental Management Advisory Board; Renewal

Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act (Public Law No. 92–463), and in accordance with Title 41 of the Code of Federal Regulations, section 101–6.1015(a), and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Environmental Management Advisory Board has been renewed for a two-year period beginning on January 18, 2000. The Board will provide advice to the Assistant Secretary for Environmental Management.

The purpose of the Board is to provide the Assistant Secretary for Environmental Management with advice and recommendations on Environmental Management projects and issues, such as program budget, strategic planning, risk, technology development, the National Environmental Policy Act, long-term nuclear stewardship, science initiatives, worker health and safety, and program cost effectiveness, from the perspective of affected groups and State, Tribal, and local governments. Consensus recommendations to the Department of Energy from the Board on programmatic nationwide resolution of numerous difficult issues will help achieve the Department's objective of the safe and efficient cleanup of its contaminated sites.

Additionally, the renewal of the Environmental Management Advisory Board has been determined to be essential to the conduct of Department of Energy business and to be in the public interest in connection with the performance of duties imposed on the Department of Energy by law and agreement. The Board will operate in accordance with the provisions of the Federal Advisory Committee Act, and rules and regulations issued in implementation of those Acts.

Further information regarding this Advisory Board may be obtained from Ms. Rachel Samuel at (202) 586–3279.

Issued in Washington, D.C. on January 18, 2000 .

James N. Solit,

Advisory Committee Management Officer.

[FR Doc. 00–2061 Filed 1–31–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Availability of the Final Environmental Impact Statement for the Conveyance and Transfer of Certain Land Tracts Administered by the Department of Energy and Located at Los Alamos National Laboratory, Los Alamos and Santa Fe Counties, NM

AGENCY: Department of Energy.

ACTION: Notice of Availability.

SUMMARY: The Department of Energy (DOE) announces the availability of the Final Environmental Impact Statement for the Conveyance and Transfer of Certain Land Tracts Administered by the Department of Energy and Located at Los Alamos National Laboratory, Los Alamos and Santa Fe Counties, New Mexico (CT EIS), DOE/EIS–0293. DOE prepared the CT EIS pursuant to Public Law 105–119. The CT EIS provides DOE and its stakeholders an analysis of the environmental impacts that could result from DOE's conveyance or transfer of up to approximately 4,800 acres of land located in north-central New Mexico to either the Incorporated County of Los Alamos or the Secretary of the Interior, in trust for the Pueblo of San Ildefonso. DOE distributed the CT EIS (which is dated October 1999) in January 2000, concurrent with a related Report to Congress (the Combined Data Report) that is also required by Public Law 105–119.

ADDRESSES: Written requests for copies of the CT EIS or requests for information about the proposed action should be directed to: Elizabeth Withers, CT EIS Document Manager, U.S. DOE, Los Alamos Area Office, 528 35th Street, Los Alamos, NM 87544; by calling Ms. Withers at (505) 667–8690; fax (505) 665–4872; or electronic mail at cteis@doeal.gov. The CT EIS will be available under the NEPA Analysis Module of the DOE NEPA Web Site at http://tis.eh.doe.gov/nepa/.

FOR FURTHER INFORMATION CONTACT: For general information on the DOE NEPA process, please contact Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, Department of Energy, 1000 Independence Ave., SW, Washington, D.C. 20585. Ms. Borgstrom may be contacted by calling (202) 586–4600 or by leaving a message at (800) 472–2756.

SUPPLEMENTARY INFORMATION: The CT EIS was prepared under the National Environmental Policy Act of 1969 (NEPA) [42 U.S.C. 4321 *et seq.*], the Council on Environmental Quality NEPA regulations [40 CFR Part 1500] and the DOE NEPA regulations [10 CFR Part 1021]. DOE held public hearings on the Draft CT EIS in Pojoaque and Los Alamos, New Mexico, during a 45-day public comment period that ended April 12, 1999. DOE considered all public comments received in preparing this Final CT EIS.

In accordance with Section 632 of Public Law 105–119, enacted on November 26, 1997, DOE proposes to convey or transfer certain land tracts located at Los Alamos National Laboratory that are not needed to support DOE's national security mission and that can be environmentally remediated or restored before November 26, 2007, by either conveyance to the Incorporated County of Los Alamos, or by transfer to the Secretary of the Interior, in trust for the Pueblo of San Ildefonso. Criteria established by Public Law 105–119 for determining if land is suitable for conveyance or transfer include the requirement that the land be suitable for use by the named recipients for the purposes of environmental, historic or cultural preservation, economic diversification purposes, or community self-sufficiency purposes.

The CT EIS analyzes two alternatives: (1) The No Action Alternative and (2) the Conveyance and Transfer of Each Tract Alternative (the Proposed Action). Under the No Action Alternative, DOE would continue its historical use of each of the land tracts identified as potentially being suitable for conveyance and transfer. Under the Conveyance and Transfer of Each Tract (Proposed Action) Alternative, the conveyance or transfer of each tract identified as suitable is considered, either in whole or in part, to either Los Alamos County or their designee, or the Secretary of the Interior in trust for the Pueblo of San Ildefonso. DOE's Preferred Alternative is a subset of the Proposed Action Alternative, namely to convey or transfer approximately 4,021 acres, including several of the tracts of land entirely and several tracts in part (portions without potential contamination issues or mission support questions). Environmental restoration activities would continue under current or future plans for the tracts that require such action and will include coordination with the State of New Mexico and public involvement.

The CT EIS compares the environmental impacts that could be

expected to occur from continuing to use the subject tracts of land as currently planned for the next 10 years with the direct consequences expected from conveying or transferring suitable tracts, in whole or in part, to the recipients named in Public Law 105–119, together with the indirect consequences expected from the subsequent development and use of the tracts by the receiving parties. Floodplain and wetlands assessments are included in an appendix to the CT EIS. In accordance with Public Law 105–119, DOE has also issued a separate Environmental Restoration Report for the land tracts being considered for conveyance or transfer. The Environmental Restoration Report describes the type and extent of environmental contamination, the regulatory status of the site contamination, potential waste generation associated with the environmental cleanup, and the estimated costs and duration of cleanups. The Environmental Restoration Report can be obtained by contacting Ms. Elizabeth Withers as indicated in the **ADDRESSES** section above.

In accordance with Public Law 105–119, DOE prepared and sent to Congress the Combined Data Report, which summarizes the CT EIS and the Environmental Restoration Report. DOE also has distributed copies of the CT EIS and the associated Environmental Restoration Report to the State of New Mexico, American Indian tribal and pueblo governments, local county governments, other Federal agencies, and other interested parties.

DOE intends to issue a Record of Decision in early 2000, and will consider the information in the Final CT EIS and the Environmental Restoration Report, and other factors such as economic and technical considerations, in deciding the action it will take regarding the conveyance and transfer of the subject tracts.

Issued in Washington, D.C., on January 21, 2000.

Henry Garson,

NEPA Compliance Officer, Defense Programs.

[FR Doc. 00–2066 Filed 1–31–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Chicago Operations Office; Office of Industrial Technologies (OIT); Notice of the Glass Industry of the Future Solicitation

AGENCY: Chicago Operations Office, DOE.

ACTION: Notice of Solicitation Availability.

SUMMARY: The U.S. Department of Energy announces its interest in receiving applications for federal assistance for cost shared research and development of technologies which will enhance economic competitiveness, reduce energy consumption and reduce environmental impacts of the U.S. glass industry. The key objective of this solicitation and the resulting projects are improvement of the manufacture of glass in the U.S. focusing on production efficiency, energy efficiency, environmental protection and recycling, and innovative types and/or uses of glass. These objectives are intended to be achieved through several avenues, including the development of improved technologies and better application of existing technologies.

DATES: The complete solicitation document will be available on or about February 15, 2000 on the Internet by accessing the DOE Chicago Operations Office Acquisition and Assistance Group Home Page at *http://www.ch.doe.gov/business/ACQ.htm* under the heading ''Current Solicitations'', Solicitation No. DE–SC02–00CH11037. Applications are due on or about April 3, 2000. Awards are anticipated by August 1, 2000, pending availability of funding.

ADDRESSES: Completed applications must be submitted to: U.S. Department of Energy, Chicago Operations Office, Attn: David E. Ramirez, Bldg. 201, Communications Center, Room 168, 9800 South Cass Avenue, Argonne, IL 60439–4899.

FOR FURTHER INFORMATION CONTACT: David Ramirez at (630) 252–2133; by mail at U.S. Department of Energy, 9800 South Cass Avenue, Argonne, IL 60439–4899; by facsimile at (630) 252–5045; or by electronic mail at david.ramirez@ch.doe.gov.

SUPPLEMENTARY INFORMATION:

Background

DOE through its Office of Industrial Technologies (OIT) supports industries in their efforts to increase energy efficiency, reduce waste and increase productivity. The goal of OIT is to accelerate the development and use of advanced energy efficiency, renewable and pollution prevention technologies that benefit industry, the environment, and U.S. energy security. OIT's core program is the Industries of the Future Program (IOF), which focuses on basic materials and processing industries such as the glass industry.

Solicitation Topics

In keeping with the IOF strategy, this solicitation will seek applications for financial assistance in projects that address the research needs identified in one or more of the topical areas listed below:

A. Production Efficiency

New ways of improving product quality and increasing volume using existing furnaces must be developed if each manufacturing sector is to maintain its revenue. Applications will be sought in the areas of advanced technologies that can cost-effectively enhance glass-manufacturing capabilities.

B. Energy Efficiency

The industry believes the development of more energy-efficient manufacturing technologies will achieve significant energy savings and help to strengthen the competitiveness of glass products both internationally and with other materials, especially in the event that energy prices rise significantly. Applications will be sought in the areas of advanced technologies to effectively reduce the energy use in glass manufacturing.

C. Environment

The glass industry would be much better equipped to reduce emissions if it had a stronger understanding of the formation and fate of emissions in current processes, as well as a better understanding of the fundamental process mechanisms and chemical reactions involved. Applications will be sought for technology and underlying fundamental knowledge in reduced emissions and increased recycling.

D. Innovative Uses of Glass

The industry needs to develop more cost-effective manufacturing techniques to compete against other materials in new and existing markets, and support business and technical research to create completely new, innovative glass-containing products and processes in markets which previously did not use glass products. Applications will be sought for processing techniques and underlying fundamental knowledge that will enable improved or innovative glass products.

All projects must contribute to enhancing the economic competitiveness of the glass industry through significant benefits in energy and environmental quality. Subtopics and specific details under the above topical areas will be available in the solicitation document.

Type and Number of Anticipated Awards

It is the Government's intent to award approximately seven (7) to ten (10) Cooperative Agreements under this solicitation with a maximum estimated DOE funding of $500,000 per year for each Cooperative Agreement up to a three (3) year period, subject to the availability of funds. Total estimated Government funding for the solicitation is approximately $10 million for the maximum three-year period.

Application Requirements

Teaming arrangements will be required. Applications, which do not propose a teaming arrangement of at least two glass industry companies, will not be evaluated. A ''glass industry company'' is defined as a private (profit or non-profit) organization that manufactures glass and allied products or provides products or services to such manufacturers. In addition, raw material suppliers, equipment and technology suppliers, architectural and engineering companies, software and consulting firms, trade and professional associations, and research institutes, that routinely conduct a minimum of 10% of their business with glass industry manufacturers are within the scope of the definition.

Teams may also include, but are not limited to, universities, trade associations, DOE National Laboratories, and small businesses which facilitate technology transfer to the private sector, promote commercialization, and enhance U.S. competitiveness. Any non-profit or for-profit organization, university or other institution of higher education, or non-federal agency or entity is eligible to apply unless otherwise restricted by the Simpson-Craig Amendment.

Applicants are required to cost share a minimum of 50% of the total project costs to be incurred under the proposed project to be eligible for award under this solicitation. The minimum cost share requirement of 50% must be met for each year, phase, or budget period, as appropriate, under the proposed project. Teaming arrangements with DOE National Laboratories must be such that the Laboratory participation may not exceed 50% of the total estimated cost of the project.

In addition to the foregoing, other evaluation and selection criteria will be developed in accordance with 10 CFR 600.10—Form and Content of Applications and 10 CFR 600.13—Merit Review.

Issued in Argonne, Illinois, on January 20, 2000.

John D. Greenwood,

Manager, Acquisition and Assistance Group.

[FR Doc. 00–2060 Filed 1–31–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Rocky Flats. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, February 3, 2000: 6 p.m.–9:30 p.m.

ADDRESSES: Westminster City Hall,Lower Level Multipurpose Room, 4800 West 92nd Avenue, Westminster, CO.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Board/Staff Coordinator, Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO 80021; telephone (303) 420–7855; fax (303) 420–7579.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Presentation on budget/planning for the site closure activities
2. Update from the Stewardship Committee
3. Other Board business may be conducted as necessary

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that had to be resolved prior to publication.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available at the Public Reading Room located at the Board's office at 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO 80021; telephone (303) 420–7855. Hours of operation for the Public Reading Room are 9 a.m. to 4 p.m. Monday through Friday. Minutes will also be made available by writing or calling Deb Thompson at the address or telephone number listed above.

Issued at Washington, DC on January 24, 2000.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–2062 Filed 1–31–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces an Environmental Management Prioritization Workshop of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada Test Site. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday February 10, 2000: 4:30 p.m.–8:30 p.m.

ADDRESS: Desert Research Institute, 755 East Flamingo Road, Las Vegas, NV.

FOR FURTHER INFORMATION CONTACT: Kevin Rohrer, U.S. Department of Energy, Office of Environmental Management, P.O. Box 98518, Las Vegas, Nevada 89193–8513, phone: 702–295–0197.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Advisory Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

4:30 p.m. Open House
5:30 p.m. Budget Prioritization Workshop—Introduction and Welcome, Welcome to Nye County, 'Environmental Management: An Overview'' Video, Overview of the Federal Budget Process, State of Nevada Perspectives on DOE's Budget Prioritization, Overview of Workshop's ''Investment Game''
6:30 p.m. Breakout Sessions
7:45 p.m. ''Investment Game'' Open Discussion, Results of ''Investment Game''
8:30 p.m. Closing Remarks

Copies of the final agenda will be available at the meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Kevin Rohrer, at the telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. This notice is being published less than 15 days in advance of the meeting due to programmatic issues that needed to be resolved.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to Kevin Rohrer at the address listed above.

Issued at Washington, DC on January 25, 2000.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–2063 Filed 1–31–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Sandia

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM–SSAB), Kirtland Area Office (Sandia).

DATES: Wednesday, February 16, 2000: 5:30 p.m.–9:00 p.m. (MST)

ADDRESSES: Cesar Chavez Community Center, 7505 Kathryn Avenue, SE, Albuquerque, NM 87108, (505) 768–3204.

FOR FURTHER INFORMATION CONTACT: Mike Zamorski, Acting Manager, Department of Energy Kirtland Area Office, P.O. Box 5400, MS–0184, Albuquerque, NM 87185 (505) 845–4094.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

5:30–5:45 p.m. Check-In/Agenda Approval/Minutes.
5:45–6:15 p.m. DOE Site Reports.
6:15–7:00 p.m. Recommendations on Class III Permit Modifications.
7:00–7:15 p.m. Public Comment.
7:15–7:30 p.m. Break.
7:30–8:00 p.m. Stewardship Presentation.
8:00–8:30 p.m. Mixed Waste Landfill Contractor.
8:30–8:40 p.m. Task Group Reports and Feedback for Chairs Conference.
8:40–8:45 p.m. Voting on New Members.
8:45–9:00 p.m. Adjourn.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Mike Zamorski's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to Mike Zamorski, Manager, Department of Energy Kirtland Area Office, P.O. Box 5400, MS–0184, Albuquerque, NM 87185, or by calling (505) 845–4094.

Issued at Washington, DC on January 25, 2000.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–2064 Filed 1–31–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy (DOE).

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, February 17, 2000: 5:30 p.m.–8:30 p.m.

ADDRESSES: Paducah Information Age Park Resource Center, 2000 McCracken Boulevard, Paducah, Kentucky.

FOR FURTHER INFORMATION CONTACT: John D. Sheppard, Site Specific Advisory Board Coordinator, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, (270) 441–6804.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration and waste management activities.

Tentative Agenda

5:30 p.m. Call to order/Discussion
6:00 p.m. Approve Meeting Minutes
6:05 p.m. Public Comments/Questions
6:30 p.m. Presentations
7:15 p.m. Sub Committee Reports
8:15 p.m. Administrative Issues
8:30 p.m. Adjourn

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact John D. Sheppard at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Official is empowered to

conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments at the end of the meeting.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Environmental Information Center and Reading Room at 175 Freedom Boulevard, Highway 60, Kevil, Kentucky between 8:00 a.m. and 5:00 p.m. on Monday thru Friday or by writing to John D. Sheppard, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001 or by calling him at (270) 441–6804.

Issued at Washington, DC on January 25, 2000.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–2065 Filed 1–31–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Hydrogen Technical Advisory Panel

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Hydrogen Technical Advisory Panel. Federal Advisory Committee Act (Public Law No. 92–463, 86 Stat. 770, as amended), requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Monday, February 28, 2000, 8:30 a.m.–6 p.m.; Tuesday, February 29, 2000, 8:30 a.m.–12 p.m.

ADDRESSES: Sheraton Premiere Hotel, Tyson's Corner, Vienna, Virginia, 22182; Telephone: 703–448–1234.

FOR FURTHER INFORMATION CONTACT: Neil Rossmeissl, Designated Federal Officer, Hydrogen Program Manager, EE–15, Office of Power Technologies, Department of Energy, Washington, D.C. 20585; Telephone: 202–586–8668.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting

—The major purpose of this meeting will be to present the HTAP Committee Reports and their proposed plans for the coming year, and the status of coordination of hydrogen activities within various government offices. These coordination activities will cover those ongoing within theDepartment of Energy, the Department of Transportation and NASA.

Tentative Agenda

Spring 2000

Monday, February 28, 2000

8:30 a.m. Introduction and Opening Comments—D. Nahmias
8:40 HTAP Committee Reports
—Coordination—H. Chum
—Scenario Planning—H. Wedaa
—Fuel Choice—R. Nichols
9:30 Office of Power Technologies-Strategic Overview—R. Dixon
10:00 EERE CrossCut Activities—R. Bradshaw
10:30 Break
10:50 Coordination Activities
—Overview—N. Rossmeissl
11:20 HTAP Discussion
12:00 p.m. Lunch
1:00 Coordination presentations by representatives from Department of Transportation, NASA and DOE including:
Office of Transportation Technologies
Office of Industrial Technologies
Office of Building Technologies
Office of Science
Office of Fossil Energy
3:30 Break
4:00 Public Comments (5 minutes maximum per speaker) Audience
5:00 HTAP Deliberations—Panel
6:00 Adjourn

Tuesday, February 29, 2000

8:30 a.m. DOE Program Report—FY01 Budget—S. Gronich
9:15 Broad Based Solicitation Results—N. Rossmeissl
10:00 Break
11:00 HTAP Discussion—Panel
12:00 p.m.—Adjourn

Public Participation: This meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Mr. Neil Rossmeissl's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentations in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, S.W. Washington, DC 20585 between 9:00 A.M. and 4:00 P.M., Monday through Friday, except Federal Holidays. Minutes will also be available by writing to Neil Rossmeissl, Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585, or by calling (202) 586–8668.

Issued at Washington, DC on January 21, 2000.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–2067 Filed 1–31–00; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

Draft Environmental Impact Report/ Environmental Impact Statement, Lower Owens River Project; Inyo County, California

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Report/ Environmental Impact Statement.

SUMMARY: The Lower Owens River Project is proposed by the City of Los Angeles, Department of Water and Power (LADWP), and the County of Inyo, to restore various wetland and riparian habitats along approximately 60 miles of the Owens River. The project is a result of a settlement agreement among LADWP, County of Inyo, state agencies, and environmental groups to resolve issues related to the export of water from the Owens Valley by LADWP. The Environmental Protection Agency (EPA) will provide funding to assist in the implementation of the project. As lead agency under the National Environmental Policy Act (NEPA), EPA must prepare an Environmental Impact Statement (EIS). As lead agency under the California Environmental Quality Act (CEQA) , LADWP must prepare an Environmental Impact Report (EIR). A joint state and federal environmental document (EIR/ EIS) will be developed. The project is expected to result in an overall long-term enhancement of the aquatic, wetland, and riparian habitats of a major river, and provide significant opportunities for increased abundance and variety of fish and wildlife resources, including endangered species. The major environmental impacts to be addressed are short-term

water quality degradation due to the re-introduction of water to the river after 80 years, and the associated short-term adverse effects on native and sport fisheries, as well as potential adverse effects to archeological resources.

Public Scoping and EIR/EIS Schedule

A public scoping meeting to receive input on the scope of the EIR/EIS will be conducted on February 16, 2000 at 6:30 pm at Statham Hall, 138 North Jackson St., Lone Pine, California. A draft EIR/EIS is expected to be issued for public review by June 2000. A final EIR/EIS is planned to be issued the fall of 2000. A Record of Decision will be issued in late 2000.

FOR FURTHER INFORMATION CONTACT: Janet Parrish, U.S. EPA Region IX (WTR–2), 75 Hawthorne Street, San Francisco, CA 94105. Phone: 415–744–1940. Fax: 415–744–1078. E-mail: *parrish.janet@epa.gov.* Written comments on the scope of the EIS may also be submitted for consideration by EPA on or before February 21 at the above address, or at the scoping meeting. The Notice of Preparation (NOP), developed pursuant to CEQA, is available through LADWP and County of Inyo. Contact Clarence Martin, LADWP, 760–872–1104, or Leah Kirk, County of Inyo Water Department, 760–872–1168.

SUPPLEMENTARY INFORMATION:

Origin of the Project

In 1913, the City of Los Angeles completed an aqueduct from the Owens Valley to Los Angeles. The primary source of water was surface water diverted from the Owens Valley and, to a lesser extent (following completion of a tunnel in 1940), from the Mono Basin. In 1970, a second aqueduct was completed by the City of Los Angeles to be supplied from three sources: Increased surface water diversions from the Owens Valley, increased groundwater pumping from the valley, and increased surface water diversions from the Mono Basin.

In 1972, the County of Inyo (County) sued the City of Los Angeles in Inyo County Superior Court under the California Environmental Quality Act (CEQA) to require the Los Angeles Department of Water and Power (LADWP) to prepare an Environmental Impact Report (EIR) on its groundwater pumping to supply the second aqueduct. LADWP was ordered to prepare an EIR. LADWP issued EIRs in 1976 and 1979, but both were found to be legally inadequate by the 3rd District Court of Appeals in Sacramento.

In the 1980s, the County and LADWP conducted discussions to develop a cooperative water management plan. Various technical studies were conducted at that time concerning groundwater and vegetation in the Owens Valley. An interim agreement was executed in 1984 between the County and LADWP which called for more cooperative studies, certain environmental enhancement projects, and continued negotiations on a long-term agreement. A new EIR on the groundwater pumping, completed by LADWP and the County, was issued in August 1991. It addressed all water management practices and facilities associated with the second aqueduct, and projects and water management practices identified in the Inyo County/Los Angeles Long Term Water Agreement (''Agreement''). In October 1991, the County and LADWP approved the Agreement, which provides environmental protection of the Owens Valley from the effects of groundwater pumping and water exports. The Agreement committed LADWP and the County to implement the Lower Owens River Project (LORP). The Final EIR (August 1991) and the Agreement were submitted to the Court with a joint request to end litigation.

Shortly thereafter, concerns about the legal adequacy of the 1991 Final EIR were raised by state agencies and environmental groups. In 1994, the Court ordered the County and LADWP to respond to certain of these issues. After several years of settlement discussions among all parties, a Memorandum of Understanding (MOU) was executed that provides resolution over the concerns about the EIR, particularly related to the adequacy of mitigation described in the EIR for impacts due to historic pumping and diversion activities in the Owens Valley. In June 1997, the Court accepted the MOU as a final settlement, effectively ending all litigation and allowing the full provisions of the Agreement and the 1991 Final EIR mitigation to be implemented. Parties to the MOU include LADWP, Inyo County, California Department of Fish and Game, State Lands Commission, Sierra Club, and Owens Valley Committee.

The MOU includes provisions that expand the LORP. The project was identified in the 1991 Final EIR as compensatory mitigation for impacts related to groundwater pumping by LADWP from 1970 to 1990 that were difficult to quantify. The MOU specifies the goal of the LORP, time frame for development and implementation, and specific actions. It also provides certain minimum requirements for the LORP related to flows, locations of facilities, and habitat and species to be addressed. Finally, the MOU specifies that LADWP and Inyo County prepare an EIR for the LORP and issue a draft EIR within 36 months of execution of the MOU (i.e., June 2000), and that flows in the river begin within 72 months of the MOU execution (i.e., June 2003).

Goal of the LORP

The goal of the LORP, as stated in the MOU, is the establishment of a healthy, functioning Lower Owens River riverine-riparian ecosystem, and the establishment of healthy functioning ecosystems in the other elements of the LORP, for the benefit of biodiversity and threatened and endangered species, while providing for the continuation of sustainable uses including recreation, livestock grazing, agriculture, and other activities. Natural habitats will be created and enhanced consistent with the needs of certain habitat indicator species.

Four Primary Elements of the LORP

Riverine-Riparian Habitats

A continuous flow will be maintained from the intake structure to a pump system located near the river delta at Owens Lake, which will connect to a pipeline that will divert water to the Los Angeles Aqueduct or to the bed of Owens Lake for use in particulate control projects. Any water in the river that is above the amount specified in the MOU for release to the Owens River Delta can be recovered by the pump facility. The flow regime is as follows:

- A base flow of approximately 40 cfs from the intake to the pump system must be maintained year-round to support wetland and riparian habitat for indicator species, and to maintain recreational and native fisheries
- A riparian habitat flow must be seasonally released that would result in a total flow that would vary from 40 to 200 cfs in general proportion to the forecasted runoff each year. These flows are intended to: create a natural disturbance to establish and maintain native riparian vegetation and channel morphology.

The pump system will consist of a diversion in the river and a pump facility to convey water in a buried pipe to the Los Angeles Aqueduct. The general location of the pump system is specified in the MOU. LADWP is considering using some or all of the water from the pump system for dust control on Owens Lake.

Owens River Delta Habitat Area

This wetland and riparian habitat area is located below the pump facility. It will be enhanced and maintained by

flow and land management. An average annual flow of 6 to 9 cfs must be maintained below the pump system, for habitat enhancement purposes.

Blackrock Waterfowl Habitat Area

This 1,500-acre area contains extensive waterfowl habitat. It will be enhanced through flow and land management to increase diversity.

Off-River Lakes and Ponds

Off-river lakes and ponds near the Blackrock Waterfowl Habitat Area will be enhanced and maintained for fisheries, shorebirds, and other birds through flow and land management.

Other Elements of the LORP

Land Management Plan

The preparation of a land management plan was specified in the MOU. It will address grazing on leases within LORP planning area. Management plans will be prepared for individual leases with a focus on enhancing native habitat diversity while allowing for sustainable grazing. The plans will focus on upland and riparian areas, irrigated pastures, and areas with sensitive species or habitats.

Recreation Plan

The LORP will also include a plan to guide access to, and recreational uses of, the LORP area, consistent with current LADWP management guidelines for public uses of the land. The focus of the plan is to ensure compatible human uses of the LORP lands.

Monitoring and Reporting Plan

The LORP will include a long-term plan for collecting and analyzing data on the progress of the LORP. These data will be used in an adaptive management program in which management actions will be modified, as necessary, to ensure successful implementation of the LORP.

Dated: January 21, 2000.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 00–2133 Filed 1–31–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6528–3]

Peele-Dixie Wellfield Site/Broward County, Florida; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: Under sections 104, 106(a), 107 and 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the City of Ft. Lauderdale entered into an Administrative Order on Consent (AOC) with the Environmental Protection Agency (EPA), whereby the City of Ft. Lauderdale agreed perform response activities at the Peele-Dixie Wellfield Site (Site) located in Broward County, Florida. Section VIII of the AOC provides for the reimbursement of EPA's oversight costs by the City of Ft. Lauderdale. Under the terms of the AOC, section VIII is subject to section 122(i) of CERCLA, which requires EPA to publish notice of the proposed settlement in the **Federal Register** for a thirty (30) day public comment period. EPA will consider public comments on section VIII of the AOC for thirty days. EPA may withhold consent to all or part of section VIII of the AOC if comments received disclose facts or considerations which indicate that section VIII of the AOC is inappropriate, improper, or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region IV, CERCLA Program Services Branch, Waste Management Division, 61 Forsyth Street, SW., Atlanta, Georgia 30303, (404) 562–8887.

Written comment may be submitted to Mr. Greg Armstrong at the above address within 30 days of the date of publication.

Dated: December 30, 1999.

Anita Davis,

Acting Chief, CERCLA Program Services Branch, Waste Management Division.

[FR Doc. 00–1666 Filed 1–31–00; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Sunshine Act Meeting; Farm Credit Administration Board; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), that the February 10, 2000 regular meeting of the Farm Credit Administration Board (Board) will not be held. The Board will hold a special meeting at 9:00 a.m. on Thursday, February 17, 2000. An agenda for that meeting will be published at a later date.

FOR FURTHER INFORMATION CONTACT: Vivian L. Portis, Secretary to the Farm Credit Administration Board, (703) 883-4025, TDD (703) 883-4444.

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

Dated: January 27, 2000.

Vivian L. Portis,

Secretary, Farm Credit Administration Board.

[FR Doc. 00–2302 Filed 1–28–00; 3:52 p.m.]

BILLING CODE 6705–01–M

FEDERAL COMMUNICATIONS COMMISSION

[CS Docket No. 99–251]

In the Matter of Applications for Consent to the Transfer of Control of Licenses; MediaOne Group, Inc., Transferor, to AT&T Corporation, Transferee

AGENCY: Federal Communications Commission, Cable Services Bureau.

ACTION: Notice of Public Forum by Cable Services Bureau.

SUMMARY: The Cable Services Bureau of the Federal Communications Commission will convene a Public Forum on the proposal of AT&T Corporation (''AT&T'') and MediaOne Group, Inc. (''MediaOne'') to transfer to AT&T the control of licenses and authorizations held by subsidiaries of MediaOne and entities controlled by MediaOne. The purpose of the Public Forum is to assist the Cable Services Bureau in its review of the AT&T–MediaOne proposal, to provide an opportunity for further discussion of issues raised in the proceeding, and to gather additional information that may be relevant. The Bureau has requested that AT&T and MediaOne and several interested parties and organizations make presentations at the Public Forum.

DATES: The Public Forum will be held on Friday, February 4, 2000 beginning at 9:30 a.m. and continuing until approximately 3:00 p.m.

ADDRESSES: The Public Forum will be held in the Federal Communications Commission's Meeting Room, 445 12th Street, SW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Sunil Daluvoy, Cable Services Bureau, (202) 418–7200.

Federal Communications Commission.

Dated: January 27, 2000.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–2137 Filed 1–31–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed revised information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the proposed revision of the collection of Claims for National Flood Insurance Program.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP) is authorized by Public Law (P.L.) 90–448 (1968) and expanded by P.L. 93–234 (1973) provides low-cost federally subsidized flood insurance for existing buildings exposed to flood risks. In return communities must enact and administer construction safeguards to ensure that new construction in the flood plain will be built to eliminate or minimize future flood damage. In accordance with P.L. 93–234, the purchase of flood insurance is mandatory when Federal or federally-related financial assistance is being provided for acquisition or construction of buildings located or to be located within FEMA-identified special flood hazard areas of communities which are participating in the program. In addition a proposed rule was published September 23, 1996 to amend the National Flood Insurance regulations by adding coverage under the Standard Flood Insurance Policy for increased cost, up to $15,000 to bring structures into compliance with State or community floodplain management laws or ordinances after flood losses. A final rule, National Flood Insurance Program; Standard Flood Insurance Policy published February 25, 1997, amended the National Flood Insurance Program (NFIP) regulations to add coverage under the standard Flood Insurance Policy to pay for the increase cost to rebuild or alter flood-damaged structures to conform, with State or local flood plain ordinances or laws consistent with the requirements of guidance of the NFIP. The Final rule required the agency to collect additional data which was approved by OMB under OMB control number 3067–0276, Increased Cost of Compliance which will now be merged with this collection of information.

Collection of Information

Title: Claims for National Flood Insurance Program (NFIP).

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 3067–0021.

Form Numbers: FEMA Forms 81–40, 81–41, 81–41A, 81–42, 81–42A, 81–43, 81–44, 81–57, 81–58, 81–59, 81–63, 81–98, and Mobile Home Worksheet.

Abstract: The forms included in this collection of information provide the information that is necessary for the continued proper performance of the Agency's functions related to indemnifying policyholders for flood damages to their properties. The forms are described below:

(1) FEMA Form 81–40, Worksheet-Contents-Personal Property— used by the insured to assess personal property damage. Estimated time per response—2.5 hours.

(2) FEMA 81–41, Worksheet-Building—used by the adjuster to determine the scope of damage to a building. Estimated time per response—2.5 hours.

(3) FEMA Form 81–41A, Worksheet-Building (Continued)— a continuation of FEMA form 81–41. Estimated time per response—1 hour.

(4) FEMA Form 81–42, Proof of Loss— used to establish a settlement on the amount the insured will receive. Estimated time per response—5 minutes.

(5) FEMA Form 81–42A, Increase Cost of Compliance Proof of Loss (ICC) will be used by the adjuster to identify whether or not the insured qualifies for coverage under ICC. Estimated time per response—1 hour.

(6) FEMA Form 81–43, Notice of Loss— used to gather loss information. Estimated time per response—4 minutes.

(7) FEMA Form 81–44, Statement as to Full Cost of Repair or Replacement Cost Coverage, Subject to the Terms and Conditions of the Policy—used by the insured to determine if the structure can be repaired or qualify for replacement cost. Estimated time per response—6 minutes.

(8) FEMA Form 81–57, National Flood Insurance Program Preliminary Report—used to identify the insured and the address of risk. Estimated time per response—4 minutes.

(9) FEMA Form 81–58, National Flood Insurance Program Final Report—used to document and review overall damages to the property, and to provide a breakdown of the claim information. Estimated time per response—4 minutes.

(10) FEMA Form 81–59, National Flood Insurance Program Narrative Report—used to write a narrative report on the loss. Estimated time per response—5 minutes.

(11) FEMA Form 81–63, Cause of Loss and Subrogation Report—used to identify a potential subrogation loss. Estimated time per response—1 hour.

(12) FEMA Form 81–98, Increase Cost of Compliance Adjuster Report will be used by the insured and adjuster to establish a settlement on the amount the insured will receive.

Estimated time per response—2 hours.

Mobile Home Worksheet—to obtain data to specifically identify the manufacturer, year, size, model, and serial number of the mobile home; the individual the mobile home was purchased from; and the repair or salvage value of the mobile home. The claim adjuster also uses the information to determine whether a mobile home will be repaired, replaced, or salvaged. Estimated time per response—30 minutes.

Affected Public: Individuals and households, Business or other for-profit, Not-for-profit institutions, Farms, Federal Government, and State, local or tribal governments.

Estimated Total Annual Burden Hours: 310,536.

Estimated Cost. $38 million.

Comments: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency

Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472. Telephone number (202) 646–2625, Fax number (202) 646–3524, or email address: muriel.anderson@fema.gov.

FOR FURTHER INFORMATION CONTACT: Contact Timothy P. Johnson, Federal Insurance Administration, at (202) 646–3418 for additional information. Contact Muriel B. Anderson at (202) 646–2625 for copies of the proposed collection information.

Dated: January 13, 2000.

Mike Bozzelli,

Acting Director, Program Services Division, Operations Support Directorate.

[FR Doc. 00–2106 Filed 1–31–00; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency is submitting a request for review and approval of a new collection of information under the emergency processing procedures in the Office of Management and Budget (OMB) regulation 5 CFR 1320.13. FEMA is requesting the collection of information be approved by January 24, 2000 for use through July 31, 2000.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Act Public Law 93–288, as amended authorizes training programs for emergency preparedness. The information obtained from the Emergency Management Institute (EMI) form will be used for independent study course enrollment and to provide course materials to applicants. Applicants can select as many courses as they want, but they will be actively enrolled in only one course at a time. When applicants complete each course with a passing score, new course material from the course menu selection will be sent to applicants.

FEMA plans to follow this emergency request with a request for a 3-year approval. The request will be processed under OMB's normal clearance procedures in accordance with the provisions of OMB regulation 5 CFR 1320.10. To help us with the timely processing of the emergency and normal clearance submissions to OMB, FEMA invites the general public to comment on the proposed collection of information. This notice and request for comments is in accordance with the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)).

Collection of Information

Title: EMI Independent Study Course Enrollment Application.

Type of Information Collection: New collection.

OMB Number: New.

Abstract: The purpose of this form is to collect information from individuals on what Independent Study courses they wish to enroll in. This form lists the courses available through FEMA's Independent Study Program and collects information from individuals so that these courses can be mailed to them. –

FEMA Form: 95–23.

Affected Public: Individuals or households.

Our burden per respondent is estimated: 1 minute.–

Estimated Total Annual Burden Hours: 1,167.

Comments: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses.

ADDRESSES: Interested persons should submit written comments to the Office of Management and Budget, Office of Information and Regulatory Affairs, ATTN: David Rostker, FEMA Desk Officer, Room 10202, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW., Room 316, Washington, DC 20472. Telephone number (202) 646–2625. FAX number (202) 646–3524, e:mail address: muriel.anderson&fema.gov.

Thomas Behm,

Acting Director, Program Services Division, Operations Support Directorate.

[FR Doc. 00–2107 Filed 1–31–00; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1310–DR]

Kentucky; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Kentucky, (FEMA–1310–DR), dated January 10, 2000, and related determinations.

EFFECTIVE DATE: January 15, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the Commonwealth of Kentucky is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 10, 2000: Hopkins County for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 00–2104 Filed 1–31–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1310–DR]

Kentucky; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Kentucky, (FEMA–1310–DR), dated January 10, 2000, and related determinations.

EFFECTIVE DATE: January 20, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the Commonwealth of Kentucky is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 10, 2000:

Ballard, Breckinridge, Carlisle, Livingston and Spencer Counties for Public Assistance.

Hopkins and Webster Counties for Public Assistance (already designated for Individual Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Laurence W. Zensinger,

Division Director, Response and Recovery Directorate.

[FR Doc. 00–2105 Filed 1–31–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3146–EM]

North Carolina; Amendment No. 3 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of North Carolina (FEMA–3146–EM), dated September 15, 1999, and related determinations.

EFFECTIVE DATE: January 17, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Carlos Mitchell of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

This action terminates my appointment of Glenn C. Woodard, Jr. as Federal Coordinating Officer for this emergency.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 00–2102 Filed 1–31–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1292–DR]

North Carolina; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of North Carolina (FEMA–1292–DR), dated September 16, 1999, and related determinations.

EFFECTIVE DATE: January 17, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Carlos Mitchell of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Glenn C. Woodard, Jr. as Federal Coordinating Officer for this disaster.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 00–2103 Filed 1–31–00; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 00021]

Cooperative Agreement to the Pan American Health Organization (PAHO) to Initiate the Post Hurricane Reconstruction of the Public Healthcare System in Central America and the Carribean; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC), announces the availability of funds for Fiscal Year (FY) 2000 for a cooperative agreement with the Pan American Health Organization (PAHO). The purpose of this program is to provide support for coordination of organizational planning, networking of laboratory support services, and assistance to Ministries of Health for developing programs to prevent and control priority infectious diseases for the initiative to reconstruct sustainable health services in the sub-region affected by Hurricanes Georges and Mitch in September and October 1998, (including Honduras, Guatemala, El Salvador, Nicaragua, Dominican Republic, Haiti and Costa Rica).

This program addresses the Healthy People 2000 priority areas of

Educational and Community-Based Programs.

B. Eligible Applicant

Assistance will be provided only to the Pan American Health Organization for this project. No other applications are solicited. PAHO is the most appropriate and qualified agency to conduct the activities under this cooperative agreement because of its longstanding relationships with Ministries of Health in the sub-region. Additionally:

1. PAHO has the lead responsibility among the United Nations organizations for implementing activities in the sub-region. PAHO is the only organization with a regional mandate for the control and prevention of diseases.

2. The proposed program is strongly supportive of and directly related to the achievement of PAHO and CDC/ Hurricane Reconstruction Project's objectives for the sustainable capacity for assessment of health status and the early detection and re-establishment of the effective response to outbreaks and changes in disease patterns.

Note: Public Law 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $1,000,000 is available in FY 2000 to support this cooperative agreement. It is expected the award will begin on April 1, 2000, for a 12-month budget period within a 2-year project period. The funding estimate is subject to change. Continuation award within the project period will be made on the basis of satisfactory progress and availability of funds.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities) and CDC will be responsible for the activities listed under 2. (CDC Activities).

1. Recipient Activities

(a) Coordinate disease control and prevention strategy development including analysis and dissemination of health information, sponsorship of meetings for any two or more countries and multi-country strategies and periodic technical meetings.

(b) Coordinate the planning for a regional laboratory network and develop reference centers and provide quality assurance and quality control training and manuals for involved countries.

(c) Provide assistance to Ministries of Health for developing programs to prevent and control priority infectious diseases. Examples of activities include urban malaria control, monitoring drug resistance, and the promotion of community based prevention strategies. Community participation and social mobilization for dengue control and/or water and sanitation.

(d) Coordinate with the Training Programs in Epidemiology and Public Health Interventions Network (TEPHINET) and others. Coordinate their activities with those of other partners working in the area. These include TEPHINET and United States Agency for International Development (USAID).

2. CDC Activities

(a) Overall program coordination between partners: PAHO, TEPHINET, and other collaborating agencies.

(b) Provide assistance to PAHO for communications and surveillance strategies.

E. Application Content

Use the information in the Program requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. The applicant must provide long-term (two years) and short-term (one year) objectives, a narrative plan that indicates how these objectives will be met, a budget and budget justification consistent with the proposed activities, and any other information that supports the request for assistance. The application will be evaluated on the criteria listed, so it is important to follow them in laying out the program plan. The narrative should be no more than 25 double-spaced pages, printed on one side, with one-inch margins, and unreduced font.

F. Submission and Deadline

Submit the original and two copies of PHS 5161–1 (OMB Number 0937–0189). Forms are available at the following Internet address: www.cdc.gov/ . . . Forms, or in the application kit. On or before March 10, 2000 submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The application shall be considered as meeting the deadline if it is either:

1. Received on or before the deadline date; or

2. Send on or before the deadline date and received in time for submission to the Review Panel. The applicant must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmark shall not be acceptable as proof of timely mailing.

G. Evaluation Criteria

The application will be evaluated against the following criteria by an independent review group appointed by CDC.

1. Background and Need (25 points): The extent to which the applicant presents data justifying the need for the program in terms of the magnitude of damage attributable to Hurricanes Georges and Mitch. The extend to which a description of current and previous related experiences demonstrates a capacity to facilitate communications between countries in the project region.

2. Goals and Objectives (40 points): The extent to which the goals and objectives relate to the overall purpose of the Post-Hurricane Reconstruction Program, are specific, time-phases, measurable and feasible.

3. Methods (35 points): The extent to which the applicant provides a detailed description of proposed activities which are likely to achieve each objective and overall program goals and which includes designation of responsibility for each action undertaken. The extent to which the applicant provides a reasonable and complete schedule for implementing all activities. The extent to which position description, CV's and lines of command are appropriate to accomplishment of program goals and objectives and to which concurrence with the applicant's by all other involved parties is specific and documented.

4. Budget and Justification (not scored): The extent to which the budget request is clearly justified and consistent with the intended use of funds.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

1. Quarterly Progress Reports, no more than 30 days after the end of the period;

2. Financial status report, no more than 30 days after the end of the budget period; and

3. Final financial status report and performance report, no more than 90 days after the end of the project period.

4. Conference Reports.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this

program. For a complete description of each, see Attachment 1 in the application kit.

AR–11—Healthy People 2000
AR–12—Lobbying Restrictions
AR–20—Conference Support

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under Sections 301 and 307 of the Public Health Service Act, 42 U.S.C. section 241 and 242*l*, and section 104 of the Foreign Assistance Act of 1961, 22 U.S.C. 2151b. The Catalog of Federal Domestic Assistance Number is 93.185.

J. Where to Obtain Additional Information

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Van Malone, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Room 3000, 2920 Brandywine Road, Atlanta, GA 30341–4146, Telephone number: 770–488–2733, Email address: vxm7@cdc.gov.

For program technical assistance, contact: Guillermo Herrera, Centers for Disease Control and Prevention, Epidemiology Program Office, Division of International Health, 4770 Buford Highway, MS K 72, Atlanta, GA 30341, Telephone number: 770–488–8322, E-mail gah9@cdc.gov.

For this and other open program announcement, see the CDC home page on the Internet: http://www.cdc.gov.

Dated: January 26, 2000.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–2070 Filed 1–31–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–209]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection.

Title of Information Collection: Laboratory Personnel Report Clinical Laboratory Improvement Amendments (CLIA) and Supporting Regulations in 42 CFR 493.1–493.2001.

Form No.: HCFA–0209 (OMB #0938–0151).

Use: CLIA requires the Department of Health and Human Services (DHHS) to establish certification requirements for any laboratory that performs tests on human specimens, and to certify through the issuance of a certificate that those laboratories meet the requirements established by DHHS. The information collected on this survey form is used in the administrative pursuit of the Congressionally-mandated program with regard to regulation of laboratories participating in CLIA. Information on personnel qualifications of all technical personnel is needed to ensure the sample is representative of all laboratories.

Frequency: Biennially.

Affected Public: Business or other for profit, Not-for-profit institutions, Federal Government, and State, Local or Tribal Government.

Number of Respondents: 26,500.

Total Annual Responses: 13,250.

Total Annual Hours: 6,625.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm or E-mail your request—including your address, phone number, OMB number, and HCFA document identifier—to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: January 21, 2000.

John P. Burke, III,

Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 00–2098 Filed 1–31–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Comments are invited on: (a) whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Core Measures for the Center for Substance Abuse Prevention—New

The mission of SAMHSA's Center for Substance Abuse Prevention (CSAP) is to decrease substance use and abuse and related problems among the American public by bridging the gap between research and practice. CSAP accomplishes this through field-testing scientifically defensible programs; disseminating comprehensive, culturally appropriate prevention strategies, policies, and systems; and

capacity building for states and community-based providers. Data are collected from CSAP grants and contracts where participant outcomes are assessed pre- and post-intervention. The analysis of these data help determine whether progress is being made in achieving CSAP's mission.

The primary purpose of the proposed data activity is to promote the use among CSAP grantees and contractors of measures recommended by CSAP as a result of extensive examination and recommendations, using consistent criteria, by panels of experts. The use of consistent measurement for specified constructs across CSAP funded projects will improve CSAP's ability to respond to the Government Performance and Results Act (GPRA) and address goals and objectives outlined in the Office of National Drug Control Policy's Performance Measures of Effectiveness.

It is important to emphasize that CSAP is not requiring the use of these measures if (1)the program does not already plan to target change in the specified construct(s) and/or (2) the measure is not valid for the program's targeted population. The Core Measures are only to be used if appropriate to the program's target population and consistent with the outcome(s) selected by the program. Consequently, no additional burden on the target population is estimated because the program is not being asked to collect data above and beyond what would already have been planned. The annual burden estimated is that for the grantees to extract the necessary data from their files and provide it to CSAP's data coordinating center. The table below summarizes the maximum estimated time, i.e., if all programs used all of the Core Measures—which is unlikely.

Program	No. of grantees	Responses per grantee	Hours per response	Total annual burden
Knowledge Development:				
Children of Substance Abusing Parents	14	1	3	42
Community Initiated	21	1	3	63
Family Strengthening	97	1	3	291
Parenting Adolescents and Welfare Reform	10	1	3	30
High Risk Youth/Youth Connect	18	1	3	54
Targeted Capacity Enhancement:				
HIV/Targeted Capacity	48	1	3	144
State Incentive Grants	21	1	3	63
Total	229	.....	.....	687

Send comments to Nancy Pearce, SAMHSA Reports Clearance Officer, Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: January 23, 2000.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 00–2071 Filed 1–31–00; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Notice of Intent To Negotiate a Contract Between the Central Utah Water Conservancy District and Department of the Interior for Prepayment of Costs Allocated to Municipal and Industrial Water From the Bonneville Unit of the Central Utah Project, Utah

AGENCY: Office of the Assistant Secretary—Water and Science, Department of the Interior.

ACTION: Notice of intent to negotiate a contract between the Central Utah Water Conservancy District (CUWCD) and Department of the Interior (DOI) for prepayment of costs allocated to municipal and industrial water from the Bonneville Unit of the Central Utah Project, Utah.

SUMMARY: Public Law 102–575, Central Utah Project Completion Act, Section 210, as amended through Public Law 104–286, stipulates that: ''The Secretary shall allow for prepayment of the repayment contract between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and supplemented on November 26, 1985, providing for repayment of municipal and industrial water delivery facilities for which repayment is provided pursuant to such contract, under terms and conditions similar to those contained in the supplemental contract that provided for the prepayment of the Jordan Aqueduct dated October 28, 1993. The prepayment may be provided in several installments to reflect substantial completion of the delivery facilities being prepaid and may not be adjusted on the basis of the type of prepayment financing utilized by the District.'' In accordance with the above referenced legislation CUWCD intends to prepay the costs obligated under repayment contract No. 14–06–400–4286, as supplemented. This contract will provide for the third installment in a series of prepayments. The terms of the prepayment are to be publicly negotiated between CUWCD and DOI.

DATES: Dates for public negotiation sessions will be announced in local newspapers.

FOR FURTHER INFORMATION: Additional information on matters related to this **Federal Register** notice can be obtained at the address and telephone number set forth below: Mr. Michael Hansen, Program Coordinator, CUP Completion Act Office, Department of the Interior, 302 East 1860 South, Provo UT 84606–6154, Telephone: (801) 379–1194, E-Mail address: mhansen@uc.usbr.gov.

Dated: January 24, 2000.

Ronald Johnston,

CUP Program Director, Department of the Interior.

[FR Doc. 00–2082 Filed 1–31–00; 8:45 am]

BILLING CODE 4310–RK–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of Draft Environmental Assessment and Land Protection Plan for the Proposed Establishment of Cat Island National Wildlife Refuge, West Feliciana Parish, LA

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability of a draft environmental assessment and land protection plan for the proposed establishment of Cat Island National

Wildlife Refuge in West Feliciana Parish, Louisiana.

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service, Southeast Region, proposes to establish a new national wildlife refuge in West Feliciana Parish, Louisiana. The purpose of the proposed refuge is to protect, enhance, and manage a valuable wetland area known as Cat Island for the benefit of resident and migratory waterfowl, neotropical migratory birds, and other native game and nongame wildlife. A Draft Environmental Assessment and Land Protection Plan for the establishment of the proposed refuge has been prepared by Service biologists in coordination with the Louisiana Department of Wildlife and Fisheries, The Nature Conservancy, the West Feliciana Parish Police Jury, and the City of St. Francisville. The assessment considers the biological, environmental, and socioeconomic effects of establishing the refuge and evaluates four alternative actions and their potential impacts on the environment. Written comments or recommendations concerning the proposal are welcomed and should be sent to the address given below.

DATES: Land acquisition planning for the project is currently underway. The draft environmental assessment and land protection plan will be available to the public for review and comment on January 28, 2000. Written comments must be received no later than February 28, 2000, in order to be considered for the preparation of the final environmental assessment.

ADDRESSES: If you wish to comment, you may submit your comments by any one of several methods. You may mail your comments to Mr. Charles R. Danner, Team Leader, Planning and Support Team, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Atlanta, Georgia 30345. You may hand-deliver your comments to Mr. Danner at the same address. Or you may submit your comments by telephone at 1–800–419–9582. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

SUPPLEMENTARY INFORMATION: The proposal would establish a national wildlife refuge on up to 36,500 acres of wetlands and bottomlands hardwoods on Cat Island in West Feliciana Parish, Louisiana. Cat Island, also known as the Tunica Swamp, is not a true island but a peninsula of land located between the Mississippi River and the Tunica Hills, about 30 miles north of Baton Rouge. It is unique because it is one of the few natural areas along the Mississippi River that has never been leveed. It is subject to seasonal overflows from the river and its fish and wildlife values are tremendous.

The Service is proposing to establish the refuge through a combination of fee title purchases from willing sellers and cooperative agreements or conservation easements from willing landowners.

The goals of the proposed refuge are to provide (1) Quality hunting and sportfishing opportunities, (2) habitat for wintering waterfowl and woodcock, (3) habitat for the threatened Louisiana black bear, (4) nesting habitat for wood ducks, (5) habitat for a natural diversity of wildlife, (6) habitat for nongame neotropical migratory birds, and (7) opportunities for compatible environmental education, interpretation, and wildlife-oriented recreation.

Dated: January 21, 2000.

Sam D. Hamilton,

Regional Director.

[FR Doc. 00–2072 Filed 1–31–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–933–00–1320–EL; C–4275]

Colorado; Notice of Availability of the Record of Decision for Coal Preference Right Lease Application C–4275

ACTION: Pursuant to the regulations at 43 CFR 3430.5–1 and 40 CFR 1505.2, the Bureau of Land Management (BLM) has prepared a Record of Decision (decision) for coal preference right lease application (PRLA) C–4275. Copies of the decision are now available to the public.

SUMMARY: A Record of Decision for coal PRLA C–4275 has been prepared documenting BLM's decision to reject the application. BLM's decision is based on a determination that the Final Showing submitted by the applicants, Phillip A. Jensen and W.K. Miller failed to demonstrate that commercial quantities of coal were discovered on the PRLA within the terms of the prospecting permit. Persons or organizations wishing to obtain copies of the decision may contact the Bureau of Land Management at the address below.

DATES: Copies of the decision are available as of the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Copies of the decision are available on request from the Colorado State Office (CO–933), Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215, or by calling Karen Purvis at 303–239–3795.

SUPPLEMENTARY INFORMATION: The lease application was originally filed on March 27, 1973. An Initial Showing for the application was accepted as complete on March 28, 1989. An environmental assessment was completed on the PRLA in 1982. As a result of BLM policies based on the amended court order in the case of *Natural Resources Defense Council* v. *Berklund*, BLM prepared an Environmental Impact Statement in cooperation with the Office of Surface Mining Reclamation and Enforcement. A Final Showing was requested of the applicant late in 1989 and filed in March of 1990. Additional information to update the Final Showing was requested in August, 1996, with a 90 day submittal period and an extension of 90 days was granted with no response. On August 20, 1999, BLM provided the applicant notice of intent to reject the PRLA and the opportunity to provide additional information. No response was received from the applicant. This decision reflects the results of BLM's analysis of the Final Showing.

Dated: January 18, 2000.

Karen Purvis,

Solid Minerals Team, Resource Services.

[FR Doc. 00–2100 Filed 1–31–00; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

[CA–330–1430–XQ]

Notice of Resource Advisory Council Vacancy

AGENCY: Bureau of Land Management, Northwest California Resource Advisory Council, Arcata, California.

ACTION: Notice of Vacancy.

SUMMARY: Pursuant to authorities in the Federal Advisory Committees Act (Public Law 92–463) and the Federal Land Policy and Management Act (Public Law 94–579), the U.S. Bureau of Land Management's Northwest California Resource Advisory Council is seeking nominations to fill a vacancy on the council. The person selected to fill the vacancy will complete an unexpired term that ends in September 2000. The designee will be eligible to compete for the full three-year term when the current term expires.

SUPPLEMENTARY INFORMATION: The council vacancy is in membership category two: persons representing national or regionally recognized environmental groups, dispersed recreational activities, archaeological or historical interests, or nationally or regionally recognized wild horse and burro interest groups. Advisory Council members are appointed by the Secretary of the Interior. The person selected must have knowledge or experience in the interest area specified, and must have knowledge of the geographic area under the council's purview (the northwest portion of California). Qualified applicants must have demonstrated a commitment to collaborate to solve a broad spectrum of natural resource issues.

Nomination forms are available by contacting BLM Public Affairs Officer Joseph J. Fontana, 2950 Riverside Drive, Susanville, CA 96130; by telephone (530) 257–5381; or email, jfontana@ca.blm.gov. Nominations must be returned to: Bureau of Land Management, 2950 Riverside Drive, Susanville, CA 96130, Attention Public Affairs Officer, no later than Friday, March 10, 2000.

FOR FURTHER INFORMATION CONTACT: BLM Arcata Field Manager Lynda J. Roush at (707) 825–2300, or Public Affairs Officer Joseph J. Fontana at the above phone or email address.

Joseph J. Fontana,

Public Affairs Officer.

[FR Doc. 00–2074 Filed 1–31–00; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–924–5420–EU–E028; NDM 87620]

Application for Recordable Disclaimer of Interest; North Dakota

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States of America, pursuant to the provisions of Section 315 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1745 (1994)), proposes to disclaim all interest in the following described land to River Woods West, Inc., the owner of record:

Tracts 1B and 1C of Section 8, T. 138 N., R. 80 W., Fifth Principal Meridian, Burleigh County, North Dakota, pursuant to the plat filed for record in the Office of the Register of Deeds of Burleigh County, North Dakota, as Document No. 407009; and all that part of lots 4, 5, and 6, Block 1, Southport Phase II to the City of Bismarck, Burleigh County, North Dakota, lying within Section 8, T. 138 N., R. 80 W., Fifth Principal Meridian, Burleigh County, North Dakota (this property in Southport Phase II formerly known as Tract 2B of Section 8, T. 138 N., R. 80 W., Fifth Principal Meridian, Burleigh County, North Dakota, is recorded under Document No. 407009 in the Office of the Register of Deeds of Burleigh County, North Dakota), containing 35.54 acres.

DATES: Comments or objections should be received by May 1, 2000.

ADDRESSES: Comments or objections should be sent to the State Director, Montana State Office, Bureau of Land Management, P.O. Box 36800, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: Deborah Sorg, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–896–5045.

SUPPLEMENTARY INFORMATION: The official records of the Bureau of Land Management (BLM) were reviewed and a determination made that the United States has no claim to or interest in the land described, and issuance of the proposed recordable disclaimer of interest would remove a cloud on the title to the land. If no objections are received, the disclaimer will be issued.

Dated: January 18, 2000.

John E. Moorhouse,

Acting Deputy State Director, Division of Resources.

[FR Doc. 00–2099 Filed 1–31–00; 8:45 am]

BILLING CODE 4310–$$–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–930–00–1040–DE]

Correction to Notice of Extension of Public Comment Period

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction to notice of extension of public comment period for thirty (30) days.

SUMMARY: The Bureau of Land Management (BLM) announced the extension of the public comment on four Draft Riparian and Aquatic Habitat Management Plan Environmental Impact Statements (DEISs) and Possible Resource Management Plan Amendments (RMPAs). The four documents are for Taos Field Office, the Farmington Field Office, the Albuquerque Field Office and the Las Cruces Field Office.

The correction to that **Federal Register** Notice is as follows:

In the **SUPPLEMENTARY INFORMATION** section of the **Federal Register** Notice dated January 21, 2000, delete the word ''two'' and replace it with the word ''four''.

Dated: January 24, 2000.

Richard A. Whitley,

Acting State Director.

[FR Doc. 00–2077 Filed 1–31–00; 8:45am]

BILLING CODE 4310–FB–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–030–1920–00–4032]

Intent to Prepare an Environmental Impact Statement for Obtaining Water and/or Water Rights from Willing Sellers in the Walker River Basin and Public Scoping Meeting

Notice of intent to prepare an environmental impact statement for obtaining water and/or water rights from willing sellers in the Walker River Basin for the purposes of protecting the Walker Lake ecosystem from degradation resulting from increasing salinity (TDS) in the lake; possible use in a settlement of the United States' water rights claim in the Walker River Basin should a settlement be negotiated; and to assist in recovery of the threatened Lahontan cutthroat trout in the Walker River Basin.

AGENCY: Bureau of Land Management, Carson City Field Office, 5665 Morgan Mill Road, Carson City, NV 89701.

ACTION: Notice of intent to prepare an environmental impact statement for obtaining water and/or water rights from willing sellers in the Walker River Basin, notice of scoping period and public meetings.

SUMMARY: The Bureau of Land Management (BLM), Carson City Field Office, in cooperation with the Bureau of Indian Affairs (BIA), Phoenix Area Office, The Bureau of Reclamation (BOR), Lahontan Basin Area Office and the U.S. Fish and Wildlife Service (FWS), Nevada Fish and Wildlife Office, will direct preparation of an EIS to be produced by a third-party contractor analyzing the impacts (direct, indirect, and cumulative) of obtaining water and/or water rights from willing sellers on the human environment in the Walker River Basin.

EFFECTIVE DATES: Four public scoping meetings will be held in February and March, 2000 to allow the public an opportunity to identify issues and concerns to be addressed in the EIS. Representatives of the BLM, FOR, BIA, and FWS will be available to answer questions about the EIS process. Comments will be accepted until March 15, 2000. Scoping comments may be sent to: Field Manager, Bureau of Land Management, 5665 Morgan Mill Road, Carson City, NV 89701.

The scheduled public meetings are:

Lyon County Library, 20 Nevin Way, Yerington, NV 89447
February 16, 2000—7 p.m.
Mineral County Library, 110 1st Street, Hawthorne, NV 89415
February 17, 2000—7 p.m.
Memorial Hall, School Street, Bridgeport, CA 93517
February 23, 2000—7 p.m.
Carson City Field Office, BLM, 5665 Morgan Mill Road, Carson City, NV 89701
February 29, 2000—7 p.m.

A Draft EIS (DEIS) is expected to be completed by August 25, 2000 and made available for public review and comment. The comment period on the DEIS will be 60 days from the date the Notice of Availability (NOA) is published in the **Federal Register**.

FOR FURTHER INFORMATION: For additional information, write to the Field Manager of the Carson City Field Office at the address listed in the agency section of this notice, call or email Walt Devaurs (BLM Team Leader) at (775) 885–6150, wdevaurs&nv.blm.gov or Mike McQueen (BLM NEPA Coordinator) at (775) 885-6120, mmcqueen&nv.blm.gov.

SUPPLEMENTARY INFORMATION: The proposed EIS schedule is as follows:

Begin Public Comment Period: February 1, 2000
Issue Draft EIS: August 25, 2000
Issue Final EIS: March 1, 2001
Issue Record of Decision: June 5, 2001
End 30-day Appeal Period/ Implementation: July 5, 2001

Dated: January 26, 2000.

John O. Singlaub,

Field Manager.

[FR Doc. 00–2078 Filed 1–31–00; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–056–1430–DB–24–1A]

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to Amend Plan.

SUMMARY: This notice of intent is to advise the public that the Bureau of Land Management (BLM), Richfield Field Office intends to consider a proposal which would require amending an existing planning document. The BLM is proposing to amend the Mountain Valley Management Framework Plan which includes public lands in Piute County, Utah. The purpose of the amendment would be to identify certain lands as suitable for direct sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976. The lands identified for direct sale comprise 23.09 acres described as follows: T. 30 S., R. 3 W., Section 21, Lots 2 and 5, Salt Lake Meridian, Utah.

DATES: The comment period for this proposed plan amendment will commence with publication of this notice. Comments must be submitted on or before March 2, 2000.

ADDRESSES: Comments on the proposed plan amendment should be sent to Kay Erickson, 150 East 900 North, Richfield, Utah 84701.

Comments, including names and street addresses of respondents will be available for public review at the BLM Richfield Field Office and will be subject to disclosure under the Freedom of Information Act (FOIA). They may be published as part of the Environmental Assessment and other related documents. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review and disclosure under the FOIA, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Jerry Goodman, Richfield Field Office Manager, 150 East 900 North, Richfield, Utah 84701 or telephone (801)896–1500. Existing planning documents and information are available at the above address.

SUPPLEMENTARY INFORMATION: The existing plan does not identify these lands for disposal. However, because of the resource values and public values and objectives involved, the public interest may well be served by sale of these lands. An environmental assessment will be prepared by an interdisciplinary team to analyze the impacts of this proposal and alternatives.

Douglas M. Koza,

Acting State Director, Utah.

[FR Doc. 00–2073 Filed 1–31–00; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–020–1610–DG]

Planning Analysis, Arkansas

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of rescheduled public meeting/request for public input.

SUMMARY: Notice of a public meeting, scheduled for January 27, 2000, was published in **Federal Register** on December 28, 1999. Due to a winter storm, the meeting is rescheduled. The purpose of the meeting is to receive additional public input for a Planning Analysis of public land in Arkansas.

DATES: The rescheduled public meeting will be held 6:30 to 9:30 p.m., February 24, 2000 at the Civic Center Gymnasium in Marshall Arkansas which is located in Searcy County.

FOR FURTHER INFORMATION CONTACT: Duane Winters or Judy Pace, BLM, Jackson Field Office, 411 Briarwood Drive, Suite 404, Jackson, MS 39206, (601) 977-5400.

Dated: January 26, 2000.

Duane Winters,

Acting Field Manager, Jackson.

[FR Doc. 00–2081 Filed 1–31–00; 8:45am]

BILLING CODE 4310–CJ–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–600–00–1010-PG–241A]

Northwest Colorado Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The next meeting of the Northwest Colorado Resource Advisory Council will be held on Friday March 17, 2000, at the Garfield County Courthouse in Glenwood Springs, Colorado.

DATE: Friday March 17, 2000.

ADDRESSES: For further information, contact Lynn Barclay, Bureau of Land Management (BLM), 455 Emerson Street, Craig, Colorado 81625; Telephone (970) 826–5096.

SUPPLEMENTARY INFORMATION: The Northwest Resource Advisory Council will meet on Friday March 17, 2000, at the Garfield County Courthouse, Suite 302, 109 8th Street, Glenwood Springs, Colorado. The meeting will start at 9 a.m. and include discussions of Black Ridge/Ruby Canyon management options, a RAC Wildlife subcommittee, Wilderness RMP Amendments, Travel Management, and interfacing with the USFS.

The meeting is open to the public. Interested persons may make oral statements at the meetings or submit written statements at the meeting. Per-person time limits for oral statements may be set to allow all interested persons an opportunity to speak.

Summary minutes of council meetings are maintained at the Bureau of Land Management Offices in Grand Junction and Craig, Colorado. They are available for public inspection and reproduction during regular business hours within thirty (30) days following the meeting.

Dated: January 25, 2000.

Larry Porter,

Acting Center Manager, Northwest Center.

[FR Doc. 00–2075 Filed 1–31–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–912–00–0777–XQ]

Utah Statewide Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of one-day meeting of the Utah Resource Advisory Council.

SUMMARY: The Bureau of Land Management's Utah Statewide Resource Advisory Council meeting will be held on February 15, 2000, in Provo, Utah. The purpose of this meeting is to begin developing guidelines for recreation management of BLM lands in Utah.

The meeting will be held at the Hampton Inn, (Sundance Room), 1511 South 40 East, Provo, Utah. It is scheduled to begin at 8 a.m. and conclude at 4:00 p.m. A public comment period, where members of the public may address the Council, is scheduled from 8:00–8:30 a.m. on February 15. All meetings of the BLM's Resource Advisory Council are open to the public.

FOR FURTHER INFORMATION CONTACT: Sherry Foot, Special Programs Coordinator, Utah State Office, Bureau of Land Management, 324 South State Street, Salt Lake City, 84111; phone (801) 539–4195.

Dated: January 21, 2000.

Sally Wisely,

Utah BLM State Director.

[FR Doc. 00–2079 Filed 1–31–00; 8:45 am]

BILLING CODE 4310–DQ–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Realty Action; Competitive Sale of Public Lands in Clark County, Nevada

The following lands have been designated for disposal under Public Law 105–263, the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2343), and will be sold competitively in accordance with Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at not less than the appraised fair market value (FMV).

BILLING CODE 4310–HC–U

EN01FE00.000

EN01FE00.001

EN01FE00.002

EN01FE00.003

EN01FE00.004

EN01FE00.005

EN01FE00.006

EN01FE00.007

EN01FE00.008

EN01FE00.009

Serial/ Parcel No.	Location/APN#	Gross Acreage
N–65880/00-01	T. 20 S., R. 59 E., sec. 1, E½SE¼SW¼NW¼, W½SW¼SE¼NW¼. 137-1-201-14	10.0
N–65881/00-02	T. 20 S., R. 59 E., sec. 12, E½NE¼NW¼NW¼. 137-12-101-3	5.0
N–65882/00-03	T. 20 S., R. 59 E., sec. 12, E½SW¼NE¼NW¼ 137-12-101-11	5.0
N–65883/00-04	T. 20 S., R. 59 E., sec. 12, W½NW¼NE¼SW¼. 137-12-301-5	5.0
N–65884/00-05	T. 20 S., R. 59 E., sec. 12, E½SE¼NW¼SW¼. 137-12-301-12	5.0

N–65885–B/S /00–06	T. 20 S., R. 60 E., sec. 7, Lot 24 138–07–301–001	5.47
N–65886/00–07	T. 21 S., R. 62 E., sec. 28, E½SW¼SE¼SW¼, W½SE¼SE¼SW¼. 161–28–04–008	10.0
N–65887/00–08	T. 22 S., R. 61 E., sec. 7, SW¼SW¼NE¼NW¼. 177–07–107–006	2.5
N–65888/00–09	T. 22 S., R. 61 E., sec. 7, Lot 13. 177–07–201–002	2.5
N–65889/00–10	T. 22 S., R. 61 E., sec. 7, NW¼NW¼SE¼NW¼. 177–07–203–008	2.5
N–65890/00–11	T. 22 S., R. 61 E., sec. 7, SW¼NW¼SE¼NW¼. 177–07–203–008	2.5
N–65891/00–12	T. 22 S., R. 61 E., sec. 7, NW¼SW¼SE¼NW¼. 177–07–203–008	2.5
N–65892/00–13	T. 22 S., R. 61 E., sec. 7, SE¼SW¼SE¼NW¼. 177–07–206–013	2.5
N–65893/00–14	T. 22 S., R. 61 E., sec. 10, lot 14 177–10–201–018	2.5
N–65894/00–15	T. 22 S., R. 61 E., sec. 10, lot 15 177–10–201–018	2.5
N–65895/00–16	T. 22 S., R. 61 E., sec. 10, lot 23 177–10–301–009	2.5

N–65896/00-17	T. 22 S., R. 61 E., sec. 11, N½NW¼SW¼SW¼, SW¼NW¼SW¼SW¼, SW¼SW¼SW¼. 177-11-401-002	17.5
N–65897/00-18	T. 22 S., R. 61 E., sec. 14, W½NW¼SE¼SE¼NE¼. 177-14-602-009	1.25
N–65898/00-19	T. 22 S., R. 61 E., sec. 14, E½SW¼SW¼SE¼NE¼, W½SE¼SW¼SE¼NE¼. 177-14-602-011	2.5
N–65899/00-20	T. 22 S., R. 61 E., sec. 14, NE¼SE¼SE¼NE¼. 177-14-602-022	2.5
N–65900/00-21	T. 22 S., R. 61 E., sec. 14, W½NW¼NW¼NW¼SE¼. 177-14-701-001	1.25
N–65901/00-22	T. 22 S., R. 61 E., sec. 14, E½NW¼NW¼NW¼SE¼. 177-14-701-001	1.25
N–65902/00-23	T. 22 S., R. 61 E., sec. 14, W½NE¼NW¼NW¼SE¼. 177-14-701-001	1.25
N–65903/00-24	T. 22 S., R. 61 E., sec. 14, NW¼NE¼NW¼SE¼. 177-14-701-001	2.5
N–65904/00-25	T. 22 S., R. 61 E., sec. 14, NE¼NE¼NW¼SE¼. 177-14-701-001	2.5
N–65905/00-26	T. 22 S., R. 61 E., sec. 14, NE¼NW¼NE¼SE¼. 177-14-701-001	2.5

N–65906/00-27	T. 22 S., R. 61 E., sec. 14, NE¼NE¼NE¼SE¼, W½NW¼NE¼NE¼SE¼, S½NE¼NE¼SE¼, NE¼SE¼NE¼SE¼ W½NW¼SE¼NE¼SE¼, S½SE¼NE¼SE¼. 177-14-701-001	17.5
N–65907/00-28	T. 22 S., R. 61 E., sec. 14, E½SW¼NW¼NW¼SE¼, W½SE¼NW¼NW¼SE¼. 177-14--701-001	2.5
N–65908/00-29	T. 22 S., R. 61 E., sec. 14, E½SW¼NE¼NW¼SE¼. 177-14-701-001	1.25
N–65909/00-30	T. 22 S., R. 61 E., sec. 14, SE¼NE¼NW¼SE¼. 177-14-701-001	2.5
N–65910/00-31	T. 22 S., R. 61 E., sec. 14, SW¼NW¼NE¼SE¼. 177-14-701-001	2.5
N–65911/00-32	T. 22 S., R. 61 E., sec. 14, SE¼NW¼NE¼SE¼. 177-14-701-001	2.5
N–65912/00-33	T. 22 S., R. 61 E., sec. 14, W½NE¼SW¼NW¼SE¼. 177-14-701-001	1.25
N–65913/00-34	T. 22 S., R. 61 E., sec. 14, E½NE¼SW¼NW¼SE¼, W½NW¼SE¼NW¼SE¼. 177-14-701-001	2.5
N–65914/00-35	T. 22 S., R. 61 E., sec. 14, NE¼SE¼NW¼SE¼. 177-14-701-001	2.5

N–65915/00–36	T. 22 S., R. 61 E., sec. 14, E½NW¼SW¼NE¼SE¼. 177-14-701-001	1.25
N–65916/00–37	T. 22 S., R. 61 E., sec. 14, E½NE¼SW¼NE¼SE¼. 177-14-701-001	1.25
N–65917/00–38	T. 22 S., R. 61 E., sec. 14, E½SE¼SW¼NW¼SE¼. 177-14-701-001	1.25
N–65918/00–39	T. 22 S., R. 61 E., sec. 14, SW¼SE¼NW¼SE¼. 177-14-701-001	2.5
N–65919/00–40	T. 22 S., R. 61 E., sec. 14, SE¼SE¼NW¼SE¼. 177-14-701-001	2.5
N–65920/00–41	T. 22 S., R. 61 E., sec. 14, E½SW¼SW¼NE¼SE¼. 177-14-701-001	1.25
N–65921/00–42	T. 22 S., R. 61 E., sec. 14, E½SE¼SW¼NE¼SE¼. 177-14-701-001	1.25
N–65922/00–43	T. 22 S., R. 61 E., sec 14, W½SW¼SW¼NW¼SE¼. 177-14-701-019	1.25
N–65923/00–44	T. 22 S., R. 61 E., sec. 14, W½NE¼NE¼SW¼SE¼. 177-14-801-003	1.25
N–65924/00–45	T. 22 S., R. 61 E., sec. 14, W½NE¼SE¼SW¼SE¼. 177-14-801-010	1.25
N–65925/00–46	T. 22 S., R. 61 E., sec. 14, W½SE¼SE¼SW¼SE¼. 177-14-801-010	1.25
N–65926/00–47	T. 22 S., R. 61 E., sec. 14, W½NW¼SW¼SE¼SE¼. 177-14-802-005	1.25

N–65927/00-48	T. 22 S., R. 61 E., sec. 14, E½SE¼SE¼SE¼SE¼. 177-14-802-013	1.25
N–65928/00-49	T. 22 S., R. 61 E., sec. 16, lot 167 177-16-701-034	2.5
N–65929/00-50	T. 22 S., R. 61 E., sec. 16, lot 198 177-16-701-046	2.5
N–65930/00-51	T. 22 S., R. 61 E., sec. 16, lot 199 177-16-802-009	2.5
N–65931/00-52	T. 22 S., R. 61 E., sec. 16, lot 228 177-16-802-017	2.5
N–65932/00-53	T. 22 S., R. 61 E., sec. 16, lot 237 177-16-802-021	2.5
N–65933/00-54	T. 22 S., R. 61 E., sec. 16, lot 233 177-16-802-029	2.5
N–65934/00-55	T. 22 S., R. 61 E., sec. 17, W½SE¼SW¼NW¼SE¼. 177-17-701-011	1.25
N–65935/00-56	T. 22 S., R. 61 E., sec. 17, W½SW¼SE¼NW¼SE¼. 177-17-701-013	1.25
N–65936/00-57	T. 22 S., R. 61 E., sec. 17, E½SE¼SE¼NW¼SE¼. 177-17-701-016	1.25

N–65937/00-58	T. 22 S., R. 61 E., sec. 17, N½NE¼SW¼SE¼, E½SW¼NE¼SW¼SE¼, W½SE¼NE¼SW¼SE¼, E½E½NW¼SW¼SE¼, NE¼SW¼SW¼SE¼, W½NE¼SE¼SW¼SE¼, E½NW¼SE¼SW¼SE¼, SW¼SE¼SW¼SE¼. 177-17-801-002	17.5
N–65938/00-59	T. 22 S. R. 61 E., sec. 18, W½NE¼SE¼NW¼SW¼. 177-18-303-023	1.25
N–65939/00-60	T. 22 S., R. 61 E., sec. 18, lot 16, W½SW¼SW¼NE¼SW¼, S½SE¼NW¼SW¼. 177-18-303-023	7.5
N–65940/00-61	T. 22 S., R. 61 E., sec. 18, lot 14 177-18-303-027	1.41
N–65941/00-62	T. 22 S., R. 61 E., sec. 18, SE¼NW¼NE¼SW¼, NE¼SW¼NE¼SW¼, E½SE¼SW¼NE¼SW¼. 177-18-303-028	6.25
N–65942/00-63	T. 22 S., R. 61 E., sec. 18, SW¼NW¼NE¼SW¼. 177-18-303-028	2.5
N–65943/00-64	T. 22 S., R. 61 E., sec. 18, E½W½NE¼SW¼SW¼, W½SE¼NE¼SW¼SW¼. 177-18-401-012	3.75

N–65944/00-65	T. 22 S., R. 61 E., sec. 18, W½NE¼NW¼SE¼SW¼. 177-18-401-027	1.25
N–65945/00-66	T. 22 S., R. 61 E., sec. 18, E½NE¼SE¼SW¼SW¼, S½SE¼SW¼SW¼, W½NW¼NW¼SE¼SW¼, SW¼NW¼SE¼SW¼, W½SE¼NW¼SE¼SW¼, N½SW¼SE¼SW¼, E½SW¼SW¼SE¼SW¼, SE¼SW¼SE¼SW¼. 177-18-401-027	20.00
N–65946/00-67	T. 22 S., R. 61 E., sec. 24, SW¼SW¼NW¼. 177-24-201-005	10.0
N–65947/00-68	T. 22 S., R. 61 E., sec. 28, lots 10, 139. 177-28-101-006	2.45
N–65948/00-69	T. 22 S., R. 61 E., sec. 28, lot 48 177-28-201-013	2.5
N–65949/00-70	T. 22 S., R. 61 E., sec. 28, lot 55 177-28-201-013	2.5
N–65950/00-71	T. 22 S., R. 61 E., sec. 28, lot 65 177-28-201-013	2.5
N–65951/00-72	T. 22 S., R. 61 E., sec. 28, lot 66 177-28-201-013	2.5
N–65952/00-73	T. 22 S., R. 61 E., sec. 28, lot 37 177-28-201-020	2.5
N–65953/00-74	T. 22 S., R. 61 E., sec. 28, lot 50 177-28-203-004	2.5

N–65954/00-75	T. 22 S., R. 61 E., sec. 28, lot 99 177-28-302-008	2.5
N–65955/00-76	T. 22 S., R. 61 E., sec. 28, lot 106 177-28-302-008	2.5
N–65956/00-77	T. 22 S., R. 61 E., sec. 28, lot 102 177-28-302-012	2.5
N–65957/00-78	T. 22 S., R. 61 E., sec. 28, lot 72 177-28-302-014	2.5
N–65958/00-79	T. 22 S., R. 61 E., sec. 28, lot 71 177-28-302-014	2.5
N–65959/00-80	T. 22 S., R. 61 E., sec. 28, lot 70 177-28-302-014	2.5
N–65960/00-81	T. 22 S., R. 61 E., sec. 28, lot 69 177-28-302-014	2.5
N–65961/00-82	T. 22 S., R. 61 E., sec. 28, lot 85 177-28-302-014	2.5
N–65962/00-83	T. 22 S., R. 61 E., sec. 28, lot 84 177-28-302-014	2.5
N–65963/00-84	T. 22 S., R. 61 E., sec. 28, lot 88 177-28-302-014	2.5
N–65964/00-85	T. 22 S., R. 61 E., sec. 28, lot 87 177-28-302-014	2.5
N–65965/00-86	T. 22 S., R. 61 E., sec. 29, SW¼NE¼SW¼NE¼. 177-29-602-006	2.5

N–65966/00-87	T. 22 S., R. 61 E., sec. 29, NE¼NE¼NW¼SE¼. 177-29-701-029	2.5
N–65967/00-88	T. 22 S., R. 63 E., sec. 9, W½E½SE¼NE¼. 179-09-608-002	10.0
N–65968/00-89	T. 22 S., R. 63 E., sec. 9, E½SE¼SE¼SE¼. 179-09-806-002	5.0

BILLING CODE 4310–HC–C

Until the completion of the sale, the BLM is no longer accepting land use applications nor will consider as filed, to include, but not limited to, rights-of-way, permits, leases, and will return applications on such public lands.

The terms and conditions applicable to the sale are:

All Parcels Subject to the Following:

1. A reservation of all leaseable and saleable mineral deposits in the land so patented, and to it, its permittees, licensees and lessees, the right to prospect for, mine, and remove the minerals owned by the United States under applicable law and such regulations as the Secretary of the Interior may prescribe, including all necessary access and exit rights.

2. A right-of-way is reserved for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

3. Subject to all valid and existing rights. Encumbrances have been identified on parcels 00–02, 03, 06, 07, 13–15, 17–28, 33–52, 55, 58, 61–63, 65–68, 73, 75–82, 86–89, parcels without notation have no encumbrances of record. Encumbrances of record are available for review during business hours, 7:30 a.m. to 4:15 p.m. Monday through Friday, at the Bureau of Land Management, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada.

The parcels will be offered for competitive sale beginning at 9:00 a.m. PST, June 8 and 9, 2000, at the Clark County Commission Chambers, Clark County Government Center, 500 S. Grand Central Parkway, Las Vegas, Nevada. Registration for oral bidding will begin at 8:00 a.m. each day of the sale and will continue throughout the auction. All bidders are required to register.

In order to determine the fair market value of the subject public lands through appraisal, certain assumptions have been made on the attributes and limitations of the lands and potential effects of local regulations and policies on potential future land uses. Through publication of this notice the Bureau of Land Management gives notice that these assumptions may not be endorsed or approved by units of local government.

Furthermore, no warranty of any kind shall be given or implied by the United States as to the potential uses of the selected lands, and conveyance of the subject lands will not be on a contingency basis. It is the buyers' responsibility to be aware of all applicable local government policies and regulations that would affect the subject lands. When conveyed out of federal ownership, the lands will be subject to any applicable reviews and approvals by the respective unit of local government for proposed future uses, and any such reviews and approvals would be the responsibility of the buyer. Any land lacking access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer.

Each parcel will be offered by sealed bid and oral auction. All sealed bids must be received in the BLM's Las Vegas Field Office (LVFO), 4765 Vegas Drive, Las Vegas, NV 89108, by no later than 4:15 p.m. PST, June 6, 2000. Sealed bid envelopes must be marked on the front left corner with the parcel number and sale date. Bids must be for not less than the Fair Market Value (FMV) specified in the appraisal, with a separate bid submitted for each parcel. The appraisal reports will be available for public review at the BLM office on or before May 1, 2000. Each sealed bid shall be accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management, for not less than 20 percent of the amount bid.

The highest qualified sealed bid on each parcel will determine the starting monetary point for oral bidding. If no sealed bids are received, oral bidding will begin at the appraised FMV. The highest qualifying bid for any parcel, whether sealed or oral, shall be declared the highest bid. The apparent high bidder, if an oral bidder, must submit the required bid deposit immediately following the close of the sale in the form of cash, personal check, bank draft, money order, or any combination thereof, made payable to the Bureau of Land Management, for not less than 20 percent of the amount bid.

The remainder of the full bid price, whether sealed or oral, shall be paid within 180 calendar days of the date of the sale. Failure to pay the full price within the 180 days shall disqualify the apparent high bidder and cause the bid deposit to be forfeited to the BLM. Unsold parcels will be withdrawn from sale, but may be offered again at a future date on the Internet or at future auctions.

Federal law requires that bidders must be U.S. citizens 18 years of age or older; a corporation subject to the laws of any State or of the United States; a State, State instrumentality, or political subdivision authorized to hold property; and an entity, including but not limited to associations or partnerships, capable of holding property or interests therein under the law of the State of Nevada. Certification of qualification, including citizenship or corporation or partnership papers, shall accompany the bid deposit.

Detailed information concerning the sale, including the reservations, sale procedures and conditions, and planning and environmental documents, is available at the Bureau of Land Management, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, NV 89108, or by calling (702) 647–5114. Some of this information is also available on the Internet at http://www.nv.blm.gov. Click on Southern Nevada Public Land Management Act,

then you must click on Land Sale Information.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, the general public and interested parties may submit comments to the Field Manager, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The Bureau of Land Management may accept or reject any or all offers, or withdraw any land or interest in the land from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA, or other applicable laws. Any comments received during this process as well as your name and address, will be available to the public in the administrative record and/or pursuant to a Freedom of Information Act request. You may indicate for the record that you do not wish your name and/or address made available to the public. Any determination by the Bureau of Land Management to release or withhold the names and/or addresses of those who comment, will be made on a case-by-case basis. A commenter's request to have their name and/or address withheld from public release will be honored to the extent permissible by law. The lands will not be offered for sale until at least 60 days after the date of publication of this notice in the **Federal Register**.

Dated: January 24, 2000.

Mark T. Morse,

Field Manager.

[FR Doc. 00–2080 Filed 1–31–00; 8:45 am]

BILLING CODE 4310–HC–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–930; COC–63604]

Proposed Withdrawal; Opportunity for Public Meeting; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes to withdraw approximately 10,432 acres of National Forest System lands for 10 years to allow the Forest Service management alternatives in managing these lands. This notice closes these lands to location and entry under the mining laws for up to two years. The lands remain open to mineral leasing.

DATES: Comments on this proposed withdrawal must be received on or before May 1, 2000.

ADDRESSES: Comments should be sent to the Colorado State Director, BLM, 2850 Youngfield Street, Lakewood, Colorado 80215–7093.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, 303–239–3706.

SUPPLEMENTARY INFORMATION: On January 18, 2000, the Department of Agriculture, Forest Service, filed an application to withdraw the following described National Forest System lands from location and entry under the United States mining laws (30 U.S.C. Ch 2), subject to valid existing rights:

Sixth Principal Meridian

White River National Forest

T. 5 S., R. 76 W.,
Sec. 20, lots 2, 3, 4, 15, 24 thru 29, inclusive, 32, 33, 34, 35, 43, and 47 thru 51, inclusive;
Sec. 21, S½N½ and S½;
Sec. 22, S½;
Sec. 23, SW¼SW¼;
Sec. 26, lots 2, 3, and 7, and NW¼NW¼;
Sec. 27; Sec. 28;
Sec. 29, E½ and E½E½W½;
Sec. 32, E½, E½NE¼NW¼, SE¼NW¼, and E½SW¼;
Sec. 33;
Sec. 34, NW¼.
T. 5 S., R. 77 W.,
Sec. 23, lots 11, 13, and 15, S½SE¼, and S½NW¼SE;
Sec. 24, lot 11 and W½SW¼;
Sec. 25, W½NW¼, W½NE¼SW¼, NW¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼, and SE¼SW¼;
Sec. 26, NE¼NE¼NE¼, W½E½, E½W½, SW¼NE¼SE¼, and W½SE¼SE¼;
Sec. 35, E½ and E½NW¼;
Sec. 36, W½NE¼, SE¼NE¼, NE¼NW¼, SW¼NW¼NW¼, SW¼NW¼, NE¼SE¼NW¼, W½NE¼SW¼,S½SW¼, and NW¼SW¼.
T. 6 S., R. 76 W.,
Sec. 4, lots 3, 4, 5, 6, 11, and 12, and SW¼;
Sec. 5, lots 1 thru 12, inclusive;
Sec. 6, lots 1, 8, and 9, and E½SE¼;
Sec. 8, S½N½SW¼.
T. 6 S., R. 77 W.,
Sec. 2, lots 1 thru 4, inclusive, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 3, S½;
Sec. 4, SE¼SE¼;
Sec. 9, E½E½;
Sec. 10;
Sec. 11;
Sec. 12, W½SW¼ and SE¼SW¼;
Sec. 13, N½ and N½S½;
Sec. 14, lots 1, 2, 4, and 5, N½, and N½SE¼;
Sec. 15, lot 1, NE¼, E½NW¼ and NW¼NW¼
Sec. 16, lot 1.

The areas described aggregate approximately 10,432 acres in Summit County. This application excludes any patented lands within the boundary of the proposed withdrawal.

The purpose of this withdrawal is to provide the Forest Service Management Alternatives in managing these lands.

For a period of 90 days from the date of publication of this notice, all parties who wish to submit comments, suggestions, or objections in connection with this proposed withdrawal, may present their views in writing to the Colorado State Director. A public meeting will be scheduled and conducted in accordance with 43 CFR 2310.3–1(c)(2). Notice of the time and place of the meeting will be published in the **Federal Register**.

This application will be processed in accordance with the regulations set forth in 43 CFR Part 2310.

For a period of two years from the date of publication in the **Federal Register**, this land will be segregated from the mining laws as specified above, unless the application is denied or canceled or the withdrawal is approved prior to that date. During this period the Forest Service will continue to manage these lands.

Jenny L. Saunders,

Realty Officer.

[FR Doc. 00–2101 Filed 1–31–00; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Announcement of Posting of Invitation for Bids on Crude Oil From Federal Leases and State of Wyoming Properties in Wyoming

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Invitation for Bids on Federal and State of Wyoming crude oil in the State of Wyoming.

SUMMARY: The Minerals Management Service (MMS), in cooperation with the State of Wyoming (State), will post on MMS's Internet Home Page and make available in hard copy a public competitive offering of approximately 4,900 barrels per day (bpd) of crude oil, to be taken as royalty-in-kind (RIK) from a combination of Federal and State properties in Wyoming's Bighorn and Powder River Basins through an Invitation For Bids (IFB), Number 31053.

DATES: The IFB will be posted on MMS's Internet Home Page on or about February 1, 2000. Bids will be due to

MMS and the State, at the posted receipt location for both, on or about February 21, 2000. MMS and the State will notify successful bidders on or about February 25, 2000. The Federal Government and the State will begin actual taking of awarded royalty oil volumes for delivery to successful bidders for a 6-month period beginning April 1, 2000.

ADDRESSES: The IFB will be posted on MMS's Home page at http://www.mms.gov under the icon ''What's New.'' The IFB may also be obtained by contacting Ms. Betty Estey at the address in the **FURTHER INFORMATION** section. Bids should be submitted to the address provided in the IFB.

FOR FURTHER INFORMATION CONTACT: For additional information concerning the IFB document, terms, and process for Federal leases, contact Ms. Betty Estey, Minerals Management Service, MS 2510, 381 Elden Street, Herndon, VA 20170–4817; telephone number (703) 787–1352; fax (703) 787–1009; e-mail Betty.Estey@mms.gov. For additional information concerning the IFB document, terms, and process for State of Wyoming properties, contact Mr. Harold Kemp, Office of State Lands and Investments, Herschler Building, 3rd Floor West, 122 West 25th Street, Cheyenne, WY 82002–0600; telephone number (307) 777–6643; Fax: (307) 777–5400; Email: hkemp@missc.state.wy.us.

SUPPLEMENTARY INFORMATION: The offering in this IFB continues the ongoing RIK program in Wyoming. The State and MMS believe that taking oil royalties as a share of production (RIK) from the properties offered in the IFB is a viable alternative to the agencies' usual practice of collecting oil royalties as a share of the value received by the lessee for sale of the production. Both agencies will continue to monitor the effectiveness of the RIK approach to taking crude oil royalties in Wyoming.

This sale involves approximately 4,900 bpd of crude oil from 85 Federal and State properties located in Wyoming's Bighorn and Powder River Basins. The volume represents an increase of about 1,650 bpd compared to the most recent IFB, No. 31010, which offered 3,250 bpd of crude oil for delivery to purchasers for production months October 1999 through March 2000. Most production is pipeline-connected. In the few instances where there is also some trucked production on a property, Exhibit A to the IFB will detail those properties.

Purchasers may bid on specific pipeline subgroups and/or on the entire packages of Wyoming sweet crude oil, Wyoming general sour crude oil, or Wyoming asphaltic sour crude oil. Bids will be due as specified in the IFB on or about February 21, 2000 and successful bidders will be notified on or about February 25, 2000. MMS is considering allowing bidders to self-certify their current debt ratio for the purpose of pre-qualifying to bid without need for a letter of credit. Details will be available in the IFB.

The following are some of the additional details regarding the offerings that will be posted in the IFB on or about February 1, 2000:

- List of specific properties;
- For each property—tract allocations, royalty rate(s), average daily royalty volume, quality, current transporter, and operator;
- Bid basis;
- Reporting requirements;
- Terms and conditions; and
- Contract format.

The internet posting and availability of the IFB in hard copy are being announced in oil and gas trade journals as well as in this **Federal Register** notice.

Dated: January 27, 2000.

Walter D. Cruickshank,

Associate Director for Policy and Management Improvement.

[FR Doc. 00–2132 Filed 1–31–00; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

Emergency Notice of Change of Date and Time of Commission Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

ORIGINAL TIME AND DATE: January 28, 2000 at 11:00 a.m.

NEW DATE AND TIME: January 31, 2000 at 2:30 p.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

Under 19 CFR § 201.35(d)(1), the Commission determined to change the date and time of the meeting originally scheduled for Friday, January 28, 2000 at 11:00 a.m. to Monday, January 31, 2000 at 2:30 p.m. The agenda for the meeting remains unchanged. Seven (7) days notice of this change was not possible.

By order of the Commission.

Issued: January 27, 2000.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–2289 Filed 1–28–00; 3:20 pm]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

DNA Advisory Board Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given that the DNA Advisory Board (DAB) will meet on February 23, 2000, from 9:00 am until 5:00 pm at The Flamingo Hilton Hotel, 255 North Sierra Street, Reno, Nevada 89501. All attendees will be admitted only after displaying personal identification which bears a photograph of the attendee.

The DAB's scope of authority is: To develop, and if appropriate, periodically revise, recommended standards for quality assurance to the Director of the FBI, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analysis of DNA; To recommend standards to the Director of the FBI which specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analysis used by forensic laboratories, including statistical and population genetics issues affecting the evaluation of the frequency of occurrence of DNA profiles calculated from pertinent population database(s); To recommend standards for acceptance of DNA profiles in the FBI's Combined DNA Index System (CODIS) which take account of relevant privacy, law enforcement and technical issues; and, To make recommendations for a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

The topics to be discussed at this meeting include: a review of minutes from the November 17, 1999, meeting; review and discussion of the Audit Document for the Quality Assurance Standards, presentation and discussion on privacy issues, report from the Statistics Subcommittee and identification of issues for discussion at the next meeting.

The meeting is open to the public on a first-come, first seated basis. Anyone wishing to address the DAB must notify the Designated Federal Employee (DFE) in writing at least twenty-four hours before the DAB meeting. The notification must include the requestor's name, organizational affiliation, a short statement describing the topic to be addressed, and the amount of time requested. Oral statements to the DAB will be limited to five minutes and limited to subject matter directly related to the DAB's agenda, unless otherwise permitted by the Chairman.

Any member of the public may file a written statement for the record concerning the DAB and its work before or after the meeting. Written statements for the record will be furnished to each DAB member for their consideration and will be included in the official minutes of a DAB meeting. Written statements must be type-written on 8½″ × 11″ xerographic weight paper, one side only, and bound only by a paper clip (not stapled). All pages must be numbered. Statements should include the Name, Organizational Affiliation, Address, and Telephone number of the author(s). Written statements for the record will be included in minutes of the meeting immediately following the receipt of the written statement, unless the statement is received within three weeks of the meeting. Under this circumstance, the written statement will be included with the minutes of the following meeting. Written statements for the record should be submitted to the DFE.

Inquiries may be addressed to the DFE, Dr. Dwight E. Adams, Deputy Assistant Director, Laboratory Division—Room 3821, Federal Bureau of Investigation, 935 Pennsylvania Avenue, N.W., Washington, DC 20535–0001, (202) 324–6071, FAX (202) 324–1462.

Dated: January 27, 2000.

Dwight E. Adams,

Deputy Assistant Director, Forensic Analysis Branch, Federal Bureau of Investigation.

[FR Doc. 00–2128 Filed 1–31–00; 8:45 am]

BILLING CODE 4410–02–U

DEPARTMENT OF LABOR

Employment and Training Administration

Revised Schedule of Remuneration for the UCX Program

Under Section 8521(a)(2) of title 5 of the United States Code, the Secretary of Labor is required to issue from time to time a Schedule of Remuneration specifying the pay and allowances for each pay grade of members of the military services. The schedules are used to calculate the base period wages and benefits payable under the program of Unemployment Compensation for Ex-servicemembers (UCX Program).

The revised schedule pubished with this Notice reflects increases in military pay and allowances which were effective in January 2000.

Accordingly, the following new Schedule of Remunereation, issued pursuant to 20 CFR 614.12, applies to ''First Class'' for UCX which are effective beginning with the first day of the first week which begins after April 1, 2000.

Pay grade	Monthly rate
(1) Commissioned Officers:	
0–10	$13,329
0–9	12,445
0–8	11,465
0–7	10,355
0–6	8,690
0–5	7,234
0–4	5,923
0–3	4,792
0–2	3,793
0–1	2,900
(2) Commissioned Officers With Over 4 Years Active Duty As An Enlisted Member Or Warrant Officer:	
0–3E	5,517
0–2E	4,653
0–1E	3,889
(3) Warrant Officers:	
W–5	6,384
W–4	5,478
W–3	4,550
W–2	3,919
W–1	3,345
(4) Enlised Personnel:	
E–9	5,020
E–8	4,224
E–7	3,697
E–6	3,254
E–5	2,747
E–4	2,288
E–3	2,044
E–2	1,972
E–1	1,744

The publicatin of this new Schedule of Remuneration does not revoke any prior schedule or change the period of time any prior schedule was in effect.

Dated: Signed at Washington, DC, on January 19, 2000.

Raymond L. Bramucci,

Assistant Secretary of Labor.

[FR Doc. 00–2114 Filed 1–31–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Maritime Advisory Committee for Occupational Safety and Health; Notice of Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Maritime Advisory Committee for Occupational Safety and Health; Notice of Meeting.

SUMMARY: The Maritime Advisory Committee for Occupational Safety and Health (MACOSH), established under Section 7 of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor on issues relating to occupational safety and health programs, policies, and standards in the maritime industries in the United States, will meet in Houston, Texas.

DATES: The Committee will meet:

—On February 29, 2000, from 9 a.m. until approximately 5 p.m.; and

—On March 1, 2000, from 8:30 a.m. until approximately 5 p.m.

ADDRESSES: The Committee will meet at the Westin Galleria Hotel, 5060 West Alabama, Houston, Texas 77056; telephone (713) 960–8100. Mail comments, views, or statements in response to this notice to Chap Pierce, Director, Office of Fire Protection Engineering and Systems Safety Standards, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW, Washington, DC 20210. Phone: (202) 693–2255; Fax: (202) 693–1663.

FOR FURTHER INFORMATION CONTACT: Chap Pierce, Acting Director, Office of Maritime Standards, OSHA; Phone (202) 693–2086.

SUPPLEMENTARY INFORMATION: All interested persons are invited to attend the public meetings of MACOSH at the time and place indicated above. Individuals with disabilities wishing to attend should contact Theda Kenney at (202) 693–2222 no later than February 18, 2000, to obtain appropriate accommodations.

Meeting Agenda

This meeting will include discussion of the following subjects: OSHA Standards update, OSHA Compliance update, Training initiatives, Committee rechartering, NIOSH update on Ergonomics and other significant research, and MACOSH workgroup reports.

Public Participation

Written data, views, or comments for consideration by MACOSH on the various agenda items listed above may be submitted, preferably with copies, to Chap Pierce at the address listed above. Submissions received by February 18, 2000, will be provided to the members of the Committee and will be included in the record of the meeting. Requests to make oral presentations to the Committee may be granted if time permits. Anyone wishing to make an oral presentation to the Committee on any of the agenda items noted above should notify Chap Pierce by February 22, 2000. The request should state the amount of time desired, the capacity in which the person will appear, and a

brief outline of the content of the presentation.

Authority: This notice is issued under the authority of sections 6(b)(1) and 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 656), the Federal Advisory Committee Act (5 U.S.C. App. 2), and 29 CFR part 1912.

Signed at Washington, DC, this 25th day of January, 2000.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 00–2134 Filed 1–31–00 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Federal Advisory Council on Occupational Safety and Health; Notice of Meeting

Notice is hereby given of the date and location of the next meeting of the Federal Advisory Council on Occupational Safety and Health (FACOSH), established under Section 1-5 of Executive Order 12196 of February 26, 1980, published in the **Federal Register**, February 27, 1980 (45 FR 1279). FACOSH will meet on February 11, 2000 starting at 1:30 p.m., in Rooms 9 and 10 of the Bureau of Labor Statistics (BLS) Conference Center at the Postal Square Building at Two Massachusetts Avenue, NE, (First Street Entrance Only), Washington, DC 20212. The meeting will adjourn at approximately 3:30 p.m., and will be open to the public. All persons wishing to attend this meeting must exhibit a photo identification to security personnel.

Agenda items will include:

1. Call to Order
2. Federal Safety and Health Councils
3. Federal Safety and Health Conference Overview
4. OSHA Issues/Updates
5. Reports by Subcommittees
6. New Business
7. Adjournment

Written data, views or comments may be submitted, preferably with 20 copies, to the Office of Federal Agency Programs, at the address provided below. All such submissions, received by February 8, 2000, will be provided to the members of the Council and will be included in the record of the meeting. Anyone wishing to make an oral presentation should notify the Office of Federal Agency Programs by close of business February 8, 2000. The request should state the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Persons who request the opportunity to address the Advisory Council may be allowed to speak, as time permits, at the discretion of the Chairperson of the Advisory Council. Individuals with disabilities who wish to attend the meeting should contact John E. Plummer at the address indicated below, if special accommodations are needed.

For additional information, please contact John E. Plummer, Director, Office of Federal Agency Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3112, 200 Constitution Avenue, NW, Washington, DC 20210, TEL: (202) 693–2122. An official record of the meeting will be available for public inspection at the Office of Federal Agency Programs.

Signed at Washington, DC, this 27th day of January 2000.

Charles N. Jeffress,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 00–2120 Filed 1–31–00; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Application No. D–10384, et al.]

Proposed Exemptions; Deutsche Bank AG, et al. (Deutsche Bank)

AGENCY: Pension and Welfare Benefits Administration, Labor

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

Unless otherwise stated in the Notice of Proposed Exemption, all interested persons are invited to submit written comments, and with respect to exemptions involving the fiduciary prohibitions of section 406(b) of the Act, requests for hearing within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, Room N–5649, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. Attention: Application No. stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N–5507, 200 Constitution Avenue, NW, Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, U.S.C. App. 1 (1996) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Deutsche Bank AG, et al. (Deutsche Bank) Located in New York, NY

[Application No. D–10384]

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990).

Section I. Covered Transactions

If the exemption is granted, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to (1) the sale to employee benefit plans (the Plans) of a synthetic guaranteed investment contract (the Buy & Hold Synthetic GIC) offered by Deutsche Bank, which is or may become a party in interest with respect to the Plans; and (2) extensions of credit by Deutsche Bank to the Plans for the purpose of funding benefit withdrawals.

This proposed exemption is conditioned on the requirements set forth below in Section II.

Section II. General Conditions

(a) The decision to enter into a Buy & Hold Synthetic GIC is made on behalf of a participating Plan in writing by a fiduciary of such Plan which is independent of Deutsche Bank.

(b) Only Plans with total assets having an aggregate market value of at least $50 million are permitted to purchase Buy & Hold Synthetic GICs; provided however that—

(1) In the case of two or more Plans which are maintained by the same employer, controlled group of corporations or employee organization (the Related Plans), whose assets are commingled for investment purposes in a single master trust or any other entity the assets of which are ''plan assets'' under 29 CFR 2510.3–101 (the Plan Asset Regulation), which entity has purchased a Buy & Hold Synthetic GIC, the foregoing $50 million requirement is deemed satisfied if such trust or other entity has aggregate assets which are in excess of $50 million; provided that, if the fiduciary responsible for making the investment decision on behalf of such master trust or other entity is not the employer or an affiliate of the employer, such fiduciary has total assets under its management and control, exclusive of the $50 million threshold amount attributable to plan investment in the commingled entity, which are in excess of $100 million, or

(2) In the case of two or more Plans which are not maintained by the same employer, controlled group of corporations or employee organization (the Unrelated Plans), whose assets are commingled for investment purposes in a group trust or any other form of entity the assets of which are ''plan assets'' under the Plan Asset Regulation, which entity has purchased a Buy & Hold Synthetic GIC, the foregoing $50 million requirement is deemed satisfied if such trust or other entity has aggregate assets which are in excess of $50 million (excluding the assets of any Plan with respect to which the fiduciary responsible for making the investment decision on behalf of such group trust or other entity or any member of the controlled group of corporations including such fiduciary is the employer maintaining such Plan or an employee organization whose members are covered by such Plan). However, the fiduciary responsible for making the investment decision on behalf of such group trust or other entity—

(A) Has full investment responsibility with respect to Plan assets invested therein; and

(B) Has total assets under its management and control, exclusive of the $50 million threshold amount attributable to Plan investment in the commingled entity, which are in excess of $100 million.

(c) Prior to the execution of a Buy & Hold Synthetic GIC, the independent Plan fiduciary receives a full and detailed written disclosure of all material features concerning the Buy & Hold Synthetic GIC, including—

(1) A copy of the contract (the Contract), underlying the Buy & Hold Synthetic GIC, which has been executed by Deutsche Bank and the Plan fiduciary, which stipulates the relevant provisions of such instrument, the interest rate that is credited (the Crediting Rate) to the book value account (the Book Value Account) of the Buy & Hold Synthetic GIC, the applicable fees and the rights and obligations of the parties;

(2) Information explaining in a manner calculated to be understood by a Plan fiduciary that if adverse market conditions occur, that the Crediting Rate to the Book Value Account of a Buy & Hold Synthetic GIC may be as low as 0 percent; and

(3) Copies of the proposed exemption and grant notice with respect to the exemptive relief provided herein.

(d) Following the receipt of such disclosure, the Plan fiduciary approves, in writing, the execution of the Buy & Hold Synthetic GIC on behalf of the Plan.

(e) Upon entering into a Buy & Hold Synthetic GIC with a Plan fiduciary of a Plan that provides for participant investment selection (the Section 404(c) Plan), Deutsche Bank informs the Plan fiduciary that such fiduciary should provide each Plan participant with—

(1) A summary of the primary provisions of the Contract, including the applicable fees; and

(2) Information explaining that if adverse market conditions occur, the Book Value Account's Crediting Rate may be as low as 0 percent.

(f) Subsequent to a Plan's investment in a Buy & Hold Synthetic GIC, the Plan fiduciary and, if applicable, the Plan participant, upon such participant's request, receive a monthly report consisting of a statement of the Book Value Account, which specifies, among other things, the Book Value Account balance for the prior month, withdrawals from the Contract, any reduction in the balance of the Book Value Account on account of a security in the fixed portfolio (the Fixed Portfolio) becoming an impaired security, interest credited to the Book Value Account at the Crediting Rate, and the current month's ending balance for the Book Value Account. The report will also specify the Current Crediting Rate, the prior month's ending fair market value of the Fixed Portfolio, the proceeds of any securities liquidated, fees charged to the Plan, and the current month's ending fair market value of the Fixed Portfolio and rate of return.

(g) As to each Plan, the combined total of all fees and charges imposed under a Buy & Hold Synthetic GIC is not in excess of ''reasonable compensation'' within the meaning of section 408(b)(2) of the Act.

(h) Each Buy & Hold Synthetic GIC specifically provides an objective method for determining the fair market value of the securities owned by the Plan pursuant to such GIC.

(i) Each Buy & Hold Synthetic GIC has a predefined maturity date selected by the Plan fiduciary and agreed to by Deutsche Bank.

(j) Neither Deutsche Bank nor its affiliates maintain custody of the assets underlying the Buy & Hold Synthetic GIC or commingle those assets with other funds under their management.

(k) The formulas for computing the Crediting Rate for the Buy & Hold Synthetic GIC and a charge for terminating the Buy & Hold Synthetic GIC within three years of its effective date (the Early Termination Charge) are objectively determined. Further, the Early Termination Charge compensates

Deutsche Bank for its direct costs incurred in connection with the Buy & Hold Synthetic GIC.

(l) Deutsche Bank maintains books and records of each Buy & Hold Synthetic GIC transaction for a period of six years in a manner that is accessible for audit and examination. Such books and records are subject to annual audit by independent, certified public accountants.

Summary of Facts and Representations

1. The parties involved in the proposed transactions are described as follows:

(a) *Deutsche Bank AG* is a German banking institution founded in 1870 and based in Frankfurt, Germany. It is the largest triple-A rated bank in the world. In terms of assets and deposits, Deutsche Bank AG is the largest bank in the European union and among the ten largest banks in the world. Through its affiliates, Deutsche Bank AG is engaged, on a global basis, in investment banking, market making, distributing debt and equity securities of both governmental and private issuers. In addition, Deutsche Bank AG has capabilities worldwide in the areas of corporate finance, financial advisory services, foreign exchange transactions, over-the-counter derivative transactions and asset securitization.

(b) *Deutsche Bank North America Holding Corp. (DBNA)*, a direct subsidiary of Deutsche Bank AG, was created on September 4, 1991 to coordinate the North American activities of the DBNA and Deutsche Bank AG branches and subsidiaries that offer commercial banking, investment banking, asset management and capital markets products and services to individuals and corporations in the United States, Canada and Mexico.

(c) *Deutsche Bank New York (DBNY)*, the New York branch of Deutsche Bank, is operated pursuant to a license issued by the Superintendent of Banks of the State of New York on July 14, 1978. DBNY derives its powers from the New York Banking Law and is subject to the supervision of the New York State Banking Department, the Board of Governors of the Federal Reserve System and the United States courts. DBNY serves private individuals, enterprises, public corporations and institutional investors and banks in the United States, as well as Deutsche Bank AG's German clients.

(d) *Deutsche Morgan Grenfell Financial Products (DMGFP)*, an indirect subsidiary of DBNA and an unincorporated business division of various Deutsche Bank AG branches and subsidiaries, markets investment banking products and services worldwide. Specifically, DMGFP's main activities include the marketing, arranging and hedging, in the name of various branches of Deutsche Bank AG, of certain of Deutsche Bank AG's fixed income activities which include Buy & Hold Synthetic GICs.

As of June 30, 1999, the aforementioned Deutsche Bank entities had total assets, on a consolidated basis, of $877.317 billion.

(e) *The Plans* involved herein will consist primarily of defined contribution plans that are subject to the Act as well as Plans that are subject to sections 401(a) and 403(b) of the Code. As also noted herein, a Plan may invest in a Buy & Hold Synthetic GIC through commingled investment entities.

2. The transactions for which prospective exemptive relief is requested would be entered into by Deutsche Bank AG, typically through DBNY. The investment product would be marketed and arranged primarily through DMGFP, a subsidiary established pursuant to section 4(c)(8) of the Bank Holding Company Act of 1955, as amended, and supervised by the Board of Governors of the Federal Reserve System. The Buy & Hold Synthetic GIC will only be marketed to Plans by entities that are Deutsche Bank affiliates located in the United States.

Accordingly, Deutsche Bank is requesting an exemption from the Department in order to sell its Buy & Hold Synthetic GIC product to Plans and to extend credit to such Plans for the purpose of funding benefit withdrawals from the Contract. The Buy & Hold Synthetic GIC is a variation of traditional guaranteed investment contracts (the GICs). The Buy & Hold Synthetic GIC will be offered to an indeterminate number of Plan investors and to commingled entities. Deutsche Bank will negotiate the terms of the Buy & Hold Synthetic GIC with the appropriate Plan fiduciary which is expected to be the Plan's named fiduciary.[1]

3. Deutsche Bank represents that the Buy & Hold Synthetic GIC will provide purchasers with the advantages of a traditional GIC along with enhanced security that is not offered under a traditional GIC. Under Deutsche Bank's Buy & Hold Synthetic GIC, each Plan will retain legal title to all of the assets underlying the arrangement and have the benefit of a contract pursuant to which all participant-initiated benefit payments and transfers will be paid based on the balance of the Book Value Account (see Representation 7.) For this purpose, participant-initiated benefit payments and transfers mean withdrawals necessary to accommodate any loans from the Plan to participants, in-service withdrawals requested by participants, distributions arising from termination of employment in the ordinary course and transfers, at the direction of participants, from the investment fund in which the Buy & Hold Synthetic GIC is held to another investment fund available under the Plan other than a ''competing'' investment fund (see Representation 11).

4. Like traditional GICs, Deutsche Bank's duties and obligations with respect to the Buy & Hold Synthetic GIC will be governed by the terms of a Contract which it will execute with the independent fiduciary of the affected Plan. The Contract, which will have no required minimum principal amount, will be issued pursuant to New York Banking Law and will be subject to the supervision of the New York State Banking Department and the Board of Governors of the Federal Reserve System. The terms and conditions of each Contract will be negotiated by the Plan fiduciary and Deutsche Bank. For example, the maturity date for the Buy & Hold Synthetic GIC will be agreed to by the Plan fiduciary and Deutsche Bank before the Contract is executed. Effectively, the Plan fiduciary will determine the maturity date of a Buy & Hold Synthetic GIC. However, in no event will the Buy & Hold Synthetic GIC have a stated maturity date exceeding seven years. Once the Contract is executed, Deutsche Bank will have no discretion over any of the terms of the Contract, which may be amended or modified only upon the mutual consent of the Plan fiduciary and Deutsche Bank.

5. Deutsche Bank represents that it will only market the Buy & Hold Synthetic GIC to Plans (or to collective investment funds established for the investment of assets of more than one Plan) that have at least $50 million in assets. In the case of two or more Plans which are maintained by the same employer, controlled group of corporations or employee organization (i.e., the Related Plans), whose assets are commingled for investment purposes in a single master trust or any other entity

[1] The Department notes that section 404(a)(1) of the Act requires, among other things, that a fiduciary of a plan must act prudently, solely in the interest of the plan's participants and beneficiaries, and for the exclusive purpose of providing benefits to participants and beneficiaries when making investment decisions on behalf of a plan. The Department notes that in order to act prudently in making investment decisions, plan fiduciaries must consider, among other factors, the availability, risks and potential return of alternative investments for the plan.

the assets of which are ''plan assets'' under the Plan Asset Regulation, which entity has purchased a Buy & Hold Synthetic GIC, the foregoing $50 million requirement will be deemed satisfied if such trust or other entity has aggregate assets which are in excess of $50 million. However, if the fiduciary responsible for making the investment decision on behalf of such master trust or other entity is not the employer or an affiliate of the employer, such fiduciary must have total assets under its management and control, exclusive of the $50 million threshold amount attributable to plan investment in the commingled entity, which are in excess of $100 million.

In the case of two or more Plans which are not maintained by the same employer, controlled group of corporations or employee organization (i.e., the Unrelated Plans), whose assets are commingled for investment purposes in a group trust or any other form of entity the assets of which are ''plan assets'' under the Plan Asset Regulation, which entity has purchased a Buy & Hold Synthetic GIC, the foregoing $50 million requirement will be deemed satisfied if such trust or other entity has aggregate assets which are in excess of $50 million (excluding the assets of any Plan with respect to which the fiduciary responsible for making the investment decision on behalf of such group trust or other entity or any member of the controlled group of corporations including such fiduciary is the employer maintaining such Plan or an employee organization whose members are covered by such Plan). However, the fiduciary responsible for making the investment decision on behalf of such group trust or other entity will be required to have (a) full investment responsibility with respect to Plan assets invested therein; and (b) total assets under its management and control, exclusive of the $50 million threshold amount attributable to Plan investment in the commingled entity, which are in excess of $100 million.

6. Prior to the execution of a Buy & Hold Synthetic GIC, the independent Plan fiduciary will receive a full and detailed written disclosure of all material features concerning the Buy & Hold Synthetic GIC, including (a) the Contract underlying the Buy & Hold Synthetic GIC, which has been executed by Deutsche Bank and the Plan fiduciary, which stipulates the relevant provisions of such instrument, the applicable fees and the rights and obligations of the parties; (b) information, explaining in a manner calculated to be understood by the Plan fiduciary, that if adverse market conditions occur, the interest rate that is credited (i.e., the Crediting Rate) to the Book Value Account of a Buy & Hold Synthetic GIC may be as low as 0 percent; and (c) copies of the proposed exemption and grant notice with respect to the exemptive relief provided herein. Following the receipt of such disclosure, the Plan fiduciary will approve, in writing, the execution of the Buy & Hold Synthetic GIC on behalf of the Plan.

Upon entering into a Buy & Hold Synthetic GIC with a Plan fiduciary of a Section 404(c) Plan, Deutsche Bank will inform the Plan fiduciary that such fiduciary should provide each Plan participant with (a) a summary of the primary provisions of the Contract; and (b) information explaining that, if adverse market conditions occur, the Book Value Account's Crediting Rate may be as low as 0 percent.

Subsequent to a Plan's investment in a Buy & Hold Synthetic GIC, the Plan fiduciary and, if applicable, the Plan participant, upon such participant's request, will receive a monthly report consisting of a statement of the Book Value Account, which specifies, among other things, the Book Value Account balance for the prior month, withdrawals from the Contract, any reduction in the balance of the Book Value Account on account of a security in the Fixed Portfolio becoming an impaired security, interest credited to the Book Value Account at the Crediting Rate, and the current month's ending balance for the Book Value Account. The report will also specify the Current Crediting Rate, the prior month's ending fair market value of the Fixed Portfolio, the proceeds of any securities liquidated, fees charged to the Plan, and the current month's ending fair market value of the Fixed Portfolio and rate of return.

7. Every Buy & Hold Synthetic GIC will consist of two components. One component will be the underlying securities or portfolio of assets (i.e., the Fixed Portfolio), title to which will remain with the Plan's trustee. The Fixed Portfolio will be comprised primarily of high grade, fixed income securities, which will be selected and managed by the Plan's trustee or another Plan fiduciary which is unaffiliated with Deutsche Bank. The Fixed Portfolio may consist of a single security or a fixed portfolio of securities that will be established at the inception of the Contract and is intended to be held until maturity. The value of the securities will be determined by objective standards (see Representation 16 below).

Although the Fixed Portfolio will not come under Deutsche Bank's administration or control, it affects the second component of each Contract, the Book Value Account, an accounting record established by Deutsche Bank to record the Plan's interest under the Buy & Hold Synthetic GIC. This is the amount that will be available to satisfy participant-initiated benefit payments and transfers.

At the inception of the Contract, the Book Value Account will be equal to the value of the Fixed Portfolio. Thereafter, the Book Value Account will be credited with a rate of interest (i.e., the Crediting Rate) that will be reset periodically (monthly, quarterly, semi-annually or annually) in accordance with the following formula which will be set forth in the Contract:

$$BV = \sum_{k=n}^{N} ((\text{net cashflow}_k)/(1+IRR^{k-n}))$$

Where BV=The balance of the Book Value Account (as determined under the Contract provisions) on the determination date;

net cash flow$_k$=(1) In the case where the Fixed Portfolio consists of one security, the expected cashflows from that security, or (2) in the case where the Fixed Portfolio consists of more than one security, the aggregate expected cashflows from the securities (in either case, excluding all fees and charges applicable under the Buy & Hold Synthetic GIC) at time k; [2]

IRR=The internal rate of return for the Fixed Portfolio;

n=The determination date (as determined under the Contract provisions); and

[2] For purposes of the formula, the expected cashflows from a security in the Fixed Portfolio and the total number of expected cashflows from the security will be determined under a three-part method in the following order of preference: (a) from widely-available published sources independent of Deutsche Bank and its affiliates (such as Bloomberg); (b) if such information is not provided by widely-available, independent, published sources, the Plan fiduciary will cause the lead underwriter of the security (if the underwriter is not an affiliate of Deutsche Bank) to determine and provide such information to Deutsche Bank; or (c) if such information is not available from the lead underwriter or if the lead underwriter is an affiliate of Deutsche Bank, the Plan fiduciary will cause the issuer of the security to provide such information to Deutsche Bank. Deutsche Bank believes that the vast majority of the securities that will be included in the Fixed Portfolio will be publicly-traded securities for which cashflow information may be obtained from widely-available, independent, published sources. However, where the Plan fiduciary has specifically requested, Deutsche Bank will enter into a Buy & Hold Synthetic GIC with respect to one or more securities that are not publicly-traded. Then, methods (b) or (c) above will be applied to determine cashflow information.

N=The time of final cashflow from the Fixed Portfolio.

The foregoing formula, which will be objectively determined by a Plan fiduciary that is independent of Deutsche Bank (see Representation 9), is intended to produce a Crediting Rate that will equal the projected ''internal rate of return'' of each security comprising the Fixed Portfolio, with a floor of 0 percent. In addition, as described in Representations 4 and 12, the Contract will mature on a stated maturity date.

8. The Buy & Hold Synthetic GIC will be supported by one or more specific fixed income securities that are bought in the primary or secondary market and are intended to be held until maturity. High quality mortgage-backed securities will be the primary type of security utilized, although other high quality securities may be used to support a Buy & Hold Synthetic GIC. All securities in the Fixed Portfolio will have predictable yield and cash flow characteristics. As principal, interest and other payments are made on the Fixed Portfolio, such amounts will be made available for investment outside of the Buy & Hold Synthetic GIC at the direction of a Plan fiduciary independent of Deutsche Bank. Generally, the Fixed Portfolio will be sold only upon termination of the Contract in order to provide amounts for benefit payments or for participant-directed transfers to other investment funds available under the Plan.

9. Deutsche Bank believes that one of the attractive features of the Buy & Hold Synthetic GIC to a Plan is that Deutsche Bank will assume certain obligations with respect to the availability of funds for benefit withdrawals and participant-directed transfers between investment funds and the return realized from the Fixed Portfolio. Mechanically, this is accomplished through the establishment of the Book Value Account.

The Book Value Account will reflect the value of the Fixed Portfolio at the inception of the Contract, as increased by the Crediting Rate determined pursuant to the formula set forth in the Contract and described above. The formula is intended to produce a Crediting Rate that will be equal to the projected internal rate of return [3] of the Fixed Portfolio, but the Crediting Rate is guaranteed never to be below 0 percent. The Crediting Rate will be reset periodically so that it will at all times reflect the projected internal rate of return of the Fixed Portfolio. Each component of this formula will be set forth in the Contract and explained to the Plan fiduciary who will decide whether to purchase the Buy & Hold Synthetic GIC on behalf of any Plan. At all times during the term of the Contract, the Crediting Rate will be determined pursuant to the formula.

10. Under the Contract, all participant-initiated benefit payments and transfers will be paid based on the balance of the Book Value Account. The Book Value Account will be reduced each month dollar-for-dollar for the amount of participant-initiated benefit payments and transfers made under the Plan and for the amount of principal payments, coupon interest and other payments received by the Plan from the Fixed Portfolio. Benefit payments or transfers resulting from an action of the Plan's sponsor may result in the Book Value Account being subject to an additional reduction due to the premature withdrawal of such assets depending on the relationship of the balance of the Book Value Account to the market value of the Fixed Portfolio at the time of the withdrawal.

11. Deutsche Bank's agreement to bear the economic effects of participant-initiated benefit payments and transfers through the use of the Book Value Account will be subject to certain conditions that are intended to assure that the factors under which Deutsche Bank has agreed to assume these effects do not change without its consent. If those conditions are not satisfied, Deutsche Bank will not be obligated to ensure the availability of the funds from the Fixed Portfolio to satisfy those benefit payments and transfers based on the balance of the Book Value Account, but rather withdrawals will be effected at the market value of the Fixed Portfolio. First, the Plan may not permit participant-directed transfers directly (or with less than a 90 day ''equity wash'') from the investment fund in which the Buy & Hold Synthetic GIC is held to another ''competing'' investment fund available under the Plan, i.e., to another investment fund that has an investment objective of providing a stable rate of return with limited risk of loss of principal. This condition is intended to assure that participants will not have an economic incentive to direct transfers from the Buy & Hold Synthetic GIC to obtain a temporary improvement in the return on their accounts without any material change in their risk profile.

Second, the Plan may not be amended without Deutsche Bank's consent in order to change the provisions of the Plan pertaining to participant-initiated benefit payments and transfers or otherwise in a manner which may affect Deutsche Bank's obligations in this regard. For example, if a Plan provides that amounts necessary to fund loans from the Plan to participants were to be withdrawn *pro rata* from all investment funds (e.g., equity, balanced and fixed income), the Plan could not be amended to require that the funds for all such loans be withdrawn solely from the investment fund in which the Buy & Hold Synthetic GIC is held unless Deutsche Bank consents to the amendment.

Third, if any withdrawal arises from an action of the Plan's sponsor that affects a significant number of employees (e.g., layoffs, plant closings, divestitures, mergers or consolidations, the complete or partial termination of the Plan and the implementation of an early retirement incentive program), the effect of such withdrawal on the Book Value Account will generally be comparable to that of a similar withdrawal under a traditional GIC, i.e., such withdrawal from the Contract will be effected at the market value of the Fixed Portfolio. A Plan fiduciary may negotiate with Deutsche Bank that the Contract shall provide that any such withdrawal will be effected at the market value of the Fixed Portfolio only after similar employer-initiated withdrawals over a specified period (e.g., the preceding 12 months or the term of the Contract) have exceeded a specified percentage of the Book Value Account.

12. The Contract will mature on the stated maturity date of the security in the Fixed Portfolio or, if there is more than one security in the Fixed Portfolio, the latest stated maturity date of any of the securities. The stated maturity date of a security is the date of the expected maturity of the security at the time of the purchase. If the principal of the security (or the securities) in the Fixed Portfolio is actually repaid faster or slower than expected, the Contract will not mature on the stated maturity of the security (or the latest maturity date), but instead will mature on the date the last principal payment is actually received by the Plan. In no event will the Contract mature later than the actual maturity date of the security.

Notwithstanding the foregoing, the Contract may also mature on a fixed date mutually agreed upon by the Plan fiduciary and Deutsche Bank.[4]

[3] The term ''internal rate of return'' means the rate of return on the Fixed Portfolio determined without regard to any return from the reinvestment of interest, dividends and other proceeds on the Fixed Portfolio. Those amounts will be reinvested outside the Buy & Hold Synthetic GIC by a Plan fiduciary independent of Deutsche Bank.

[4] As noted in Representation 4, no Buy & Sell Synthetic GIC described herein will have a stated maturity date exceeding seven years.

If, on the maturity date, the balance of the Book Value Account exceeds the fair market value of the Fixed Portfolio, Deutsche Bank will pay the Plan the difference (see Representation 15). Because the Book Value Account's Crediting Rate will be equal to the underlying Fixed Portfolio's projected internal rate of return, any difference between the balance of the Book Value Account and the fair market value of the Fixed Portfolio on the maturity date of the Contract should be insignificant. Thus, any payment Deutsche Bank will have to make to support the Book Value Account should be negligible.

13. A Plan fiduciary may also elect to terminate the Buy & Hold Synthetic GIC at any time on 30 days (or such shorter period as mutually agreed upon by the Plan fiduciary and Deutsche Bank) prior notice to Deutsche Bank. Deutsche Bank may also terminate the Buy & Hold Synthetic GIC on 30 days prior notice to the Plan fiduciary only under limited circumstances, e.g., (a) on account of regulatory restrictions, or (b) if the Plan has breached one of its obligations under the Contract or has taken actions that would constitute an event of default under the Contract. Specifically, the Contract may be terminated by Deutsche Bank if (a) any fee or charge payable to Deutsche Bank under the Contract has not been timely paid, (b) a representation upon which Deutsche Bank has relied upon in entering into the Contract was or becomes untrue, (c) if withdrawals are effected from the Contract other than as permitted, or (d) if there are material changes in the arrangement that may have a material adverse effect on Deutsche Bank's obligations under the Contract (including changes in the Plan or its administration).[5]

Although the decision to terminate the Contract under these circumstances will be made by Deutsche Bank, such action can only be taken after the Plan has breached one of its obligations under the Contract or unilaterally has taken other actions that could materially modify, in an adverse manner, Deutsche Bank's obligations under the Contract. Thus, the Plan can preclude Deutsche Bank from terminating the arrangement merely by satisfying its contractual obligations and by not acting in a manner that materially alters the underwriting assumptions relied upon by Deutsche Bank in entering into the arrangement.

[5] According to the applicant, a change in custodial bank would not be considered a material change warranting a termination of the Contract by Deutsche Bank.

14. If the Plan fiduciary voluntarily terminates the Contract or if Deutsche Bank terminates the Contract for one of the reasons specified in the Contract (such as the Plan's breach of a contractual obligation), the Plan fiduciary will have complete control over the Fixed Portfolio (i.e., the Portfolio may be invested without any contractual constraints) and will realize the fair market value of the Fixed Portfolio. Deutsche Bank will have no obligation with respect to the Book Value Account (see Representation 21). If the Contract is terminated by the Plan fiduciary voluntarily within three years after its effective date, an Early Termination Charge payable by the Plan may apply that will be determined under an objective formula set forth in the Contract, which is intended to enable Deutsche Bank to recoup its costs incurred (e.g., research and underwriting resources, internal and external legal and other professional charges, and operational and systems expenses) in connection with the Contract. The formula is set forth as follows:

[(F * BV)] * N,

Where

F = The expense charge payable to Deutsche Bank as agreed upon by Deutsche Bank and the Plan's independent fiduciary at the inception of the Contract, expressed as an annual percentage rate;

BV = The balance of the Book Value Account on the termination date; and

N = The number of days in the period from the termination date through the third anniversary date of the effective date of the Contract, divided by 365.

Under no circumstances will the Early Termination Charge be payable by the Plan if Deutsche Bank has breached any of its obligations under the Contract or has defaulted under the Contract.

15. Under the Buy & Hold Synthetic GIC, Deutsche Bank will assume the obligation for the availability of funds to satisfy participant-initiated benefit payments and transfers up to the amount of the balance of the Book Value Account as of any date. Deutsche Bank, the Plan, the Plan fiduciaries or other agents will not have any discretion over when a withdrawal may be made from the Contract. The Contract will not be accessed for withdrawals until other specified sources of funds (e.g., contributions to the Plan's investment fund under which the Buy & Hold Synthetic GIC is held, current investment income, maturing proceeds, cash equivalents, available cash attributable to the underlying Fixed Portfolio and other investment contracts which are to be accessed for withdrawals before the Contract under a ''last-in-first-out'' hierarchy) have been depleted. If a withdrawal is made from the Contract, such withdrawal will be made from cash realized on the sale of a portion of the Fixed Portfolio or, if an election is made by the Plan fiduciary and consented to by Deutsche Bank, such withdrawal amount will be paid to the Plan in cash by Deutsche Bank and the Plan will be obligated to repay such amount to Deutsche Bank as principal, interest and other amounts paid to the Plan on the Fixed Portfolio become available.[6]

16. If a withdrawal is to be satisfied by the sale of assets in the Fixed Portfolio, the Plan fiduciary will do so in a manner consistent with its fiduciary responsibilities under the Act. The Contract provides that the fair market value of the securities sold will be determined based upon the actual proceeds received by the Plan fiduciary in an arm's length transaction. Under the Contract, the fair market value of any security in the Fixed Portfolio will be determined by averaging three competitive bids for such security received from parties independent of, and mutually agreed upon by, Deutsche Bank and the Plan.

17. The portion of the Fixed Portfolio sold will also depend upon the type of Contract negotiated by the Plan fiduciary. In this regard, Deutsche Bank will offer Plans two types of Contracts (or a combination thereof). In the first type of Contract, as withdrawals occur during the term of such Contract, only the portion of the Fixed Portfolio necessary to satisfy the withdrawal having a fair market value equal to the amount of the withdrawal will be sold. Then, the Book Value Account will be correspondingly reduced by the amount of such payment. However, if the amount of the withdrawal is greater than the fair market value of the entire Fixed Portfolio (which could happen if the fair market value of the Fixed

[6] The election available to Deutsche Bank to pay the amount of the withdrawal instead of liquidating a portion of the Fixed Portfolio to satisfy the withdrawal is intended to create liquidity for the Plan in circumstances where the security that would otherwise be liquidated would be difficult to sell (e.g., where the principal amount of the security is small) rather than a situation where the value of the Fixed Portfolio falls below a minimum level. Deutsche Bank represents that the election would benefit the Plan by saving costs that would otherwise be incurred if the Plan was forced to sell the security on the open market. Deutsche Bank further represents that its election to pay the amount of a withdrawal will not affect its obligations to the Plan under the Buy & Hold Synthetic GIC.

Portfolio is less than the balance of the Book Value Account), Deutsche Bank will be required to sell the entire Fixed Portfolio to satisfy the withdrawal. In addition, Deutsche Bank will be required to pay the Plan the difference between the amount of the withdrawal and the fair market value of the Fixed Portfolio in cash. Conversely, if the value of the Fixed Portfolio exceeds the amount of the withdrawal, the Plan will not be required to pay the difference to Deutsche Bank.

When a withdrawal occurs under the second type of Contract, the portion of the Fixed Portfolio sold will be that portion having a fair market value equal to the amount of the withdrawal multiplied by a fraction, the numerator of which is the fair market value of the entire Fixed Portfolio and the denominator of which is the balance of the Book Value Account, and, if the sale proceeds are less than the amount of the withdrawal, Deutsche Bank will pay the Plan the amount of the deficiency in cash or, if the sale proceeds are greater than the amount of the withdrawal, the Plan will pay Deutsche Bank the amount of the excess in cash.[7]

18. To illustrate the method for making a withdrawal under the second type of Contract, assume that a withdrawal of $10,000 is needed and to effect the withdrawal the Plan sells a portion of the Fixed Portfolio having a book value of $10,000, but a then current market value of $9,500. The Book Value Account will be reduced by $10,000, the value of the Fixed Portfolio will be reduced by $9,500 and Deutsche Bank will make a cash payment to the Plan of $500 to make up the difference. If, however, the market value of the portion of the Fixed Portfolio sold were $10,500, the Book Value Account would still be reduced by $10,000, the Fixed Portfolio would be reduced by the full $10,500 and the Plan would pay Deutsche Bank an additional fee of $500.

19. Under the second type of Contract, if the proceeds realized on the sale of a portion of the Fixed Portfolio are greater than the amount of the withdrawal, the Plan fiduciary may exercise its right to terminate the Contract and take full control over the Fixed Portfolio and, thereby, avoid paying an additional fee to Deutsche Bank equal to the excess. The purpose of this additional fee is to protect Deutsche Bank from the additional risks that were not intended to be assumed by Deutsche Bank in the context of the Buy & Hold Synthetic GIC. When a Plan fiduciary enters into a Buy & Hold Synthetic GIC, both the fiduciary and Deutsche Bank intend that the Fixed Portfolio will be held to maturity. Participant-initiated benefit payments and transfers that would require selling a portion of the Fixed Portfolio are possible, but are not contemplated. If such a sale were required and, at such time, the overall market value of the Fixed Portfolio exceeded the balance of the Book Value Account, Deutsche Bank would expect that a Plan fiduciary might decide to exercise its option to terminate the arrangement and ''cash-in'' the benefit of the appreciation in the market value of the Fixed Portfolio.[8] This is because, as the Buy & Hold Synthetic GIC is designed, the value of the Book Value Account and the Fixed Portfolio are expected to be equal at maturity. If, at any given point in time, the market value of the Fixed Portfolio exceeds the balance of the Book Value Account, it would generally reflect an unanticipated increase in the market value of the underlying Fixed Portfolio, the benefit of which could likely be lost if the Fixed Portfolio were held to maturity. If, however, the market value of the Fixed Portfolio does not exceed the balance of the Book Value Account, but an asset in the Fixed Portfolio with a market value above its book value were sold to effect a withdrawal following the selection of such security by the Plan fiduciary, Deutsche Bank would be placed in the situation of having an obligation with respect to the performance of assets that, as a whole, are underperforming while an asset that exceeded projected performance was disposed of at a profit. To allow the Plan to reap the benefit of the profit on this asset would fail to reflect the ''book loss'' on the entire Fixed Portfolio, a loss which Deutsche Bank is contractually obligated to bear. Thus, the profit is payable to Deutsche Bank as an additional fee and reflects the fact that this ''profit,'' if realized at maturity, would otherwise have offset or reduced the amount Deutsche Bank would ultimately have been required to pay in respect of the Book Value Account of the remaining underperforming assets.

Alternatively, if the Plan fiduciary does not wish to pay Deutsche Bank this additional fee, the fiduciary may elect to enter into the first type of Contract described above. The two types of Contracts offer different risk levels from which the fiduciary may choose the one appropriate for the Plan.

20. Under either type of Contract, a fiduciary of the Plan independent of Deutsche Bank will, in its sole discretion, determine which of the securities in the Fixed Portfolio will be sold. If any portion of the Fixed Portfolio has to be sold to effect any withdrawal, the Plan fiduciary will do so in a manner consistent with its fiduciary responsibilities under the Act. The Contract provides that the fair market value of the securities sold will be determined based upon the actual proceeds received by the Plan fiduciary in an arm's length transaction.

21. If at the time the Contract matures, the balance of the Book Value Account exceeds the fair market value of the Fixed Portfolio, Deutsche Bank will make a payment to the Plan equal to such excess (the Book Value Payment). If the fair market value of the Fixed Portfolio equals or exceeds the balance of the Book Value Account, no Book Value Payment will be made and such excess belongs exclusively to the Plan.

During the term of the Contract, the Plan fiduciary will reinvest the proceeds of the Fixed Portfolio as the fiduciary sees fit in other investments. Any principal, interest and other proceeds paid to the Plan with respect to the Fixed Portfolio will not become subject to the Contract but instead will be reinvested by the Plan fiduciary. Accordingly, the value of the Fixed Portfolio will decline over time as principal and interest payments are made on the underlying security or securities. The Book Value Account will be correspondingly reduced as amounts are distributed from the arrangement. By reason of these distributions, it is expected that the Book Value Account will decrease significantly from its initial value by the time the Contract matures. Given this reduction in the Book Value Account and the fact that the Book Value Account's Crediting Rate is calculated based on the expected rate of return on the fixed Portfolio, any

[7] The underlying principle of the second type of contract is that a withdrawal resulting from a participant-initiated benefit payment or transfer does not affect the rate of interest credited to the Book Value Account. The credited rate of interest is maintained principally by keeping the ratio of the balance of the Book Value Account to the fair market value of the Fixed Portolio the same before and after the withdrawal. This is illustrated in the following example where—

- Before the withdrawal, the balance of the Book Value Account is $100 and the market value of the Fixed Portfolio is $90. Assume a withdrawal of $10 occurs.
- After the withdrawal, the balance of the Book Value Account is reduced by $10 (amount of the withdrawal) to $90. The market value of the Fixed Portfolio is reduced by the product of $10 (amount of the withdrawal) and $90 (the market value of the Fixed Portfolio before the withdrawal), over $100 (balance of the Book Value Account before the withdrawal), an amount equal to $81. (In other words, $10 x $90/$100 = $9. $90-$9 = $81.)

[8] Under such circumstances, the Plan would not incur any costs unless the termination occurs prior to the third anniversary of the effective date of the contract (see Representation 14).

Book Value Payment made should be *de minimus*. [9]

22. Deutsche Bank believes that the Buy & Hold Synthetic GIC is superior to traditional GICs in that each Buy & Hold Synthetic GIC serves the dual functions of (a) affording a Plan substantially greater protection against the risks of loss of its principal investment and (b) providing the Plan with an opportunity for a greater rate of return than a traditional GIC. Under the Buy & Hold Synthetic GIC, Deutsche Bank will make payments to the Plan such that all participant-initiated benefit payments and transfers will be paid based on the balance of the Book Value Account. This means that, despite fluctuations in the market value of the Fixed Portfolio, each participant, in making participant-initiated benefit payments and transfers, will be protected against any loss of principal by Deutsche Bank's contractual commitment. In the ordinary course, the effect of this commitment will be to enable the Plan to account for the value of the assets of the Plan held pursuant to the Contract without regard to any interim fluctuation in the market value of such assets. However, this commitment will have a real economic effect for Plan participants in the event that withdrawals are made from the Buy & Hold Synthetic GIC.

23. To recap, the Fixed Portfolio to be held under the Contract will be determined at the inception of the Contract. Generally, the Fixed Portfolio will be disposed of only upon termination of the Contract (if determined by the Plan fiduciary) or upon the occurrence of certain events specified in the Contract (see Representation 15 above). A security will be removed from the Fixed Portfolio if it becomes an impaired security (i.e., generally a defaulted or accelerated security or a security that no longer satisfies specified credit-related criteria) as objectively determined under the provisions of the Contract.[10]

In addition, the Plan will hold legal title to the Fixed Portfolio. Subject to the Plan's obligation to pay Deutsche Bank's fees, any appreciation in the market value of the Fixed Portfolio, as well as current interest and principal payments, will belong to the Plan.

Thus, the only risk to the Fixed Portfolio posed by the financial condition of Deutsche Bank will relate to the amount representing the excess, if any, of the balance of the Book Value Account over the fair market value of the Fixed Portfolio. Therefore, Deutsche Bank represents that the Buy & Hold Synthetic GIC will provide greater security than a traditional GIC wherein a Plan places a substantial amount of its assets at risk based on the creditworthiness of the issuer of the GIC.

24. Deutsche Bank will maintain, for a period of six years following the execution of each Buy & Hold Synthetic GIC transaction full and complete records and books reflecting the various accounts established in accordance with the Buy & Hold Synthetic GIC. Such records will be kept in a manner that is accessible for audit and examination. Upon written request by a Plan representative, Deutsche Bank will make its records pertaining to the Buy & Hold Synthetic GIC available during normal business hours for audit by independent, certified public accountants hired by the Plan fiduciary.

25. Deutsche Bank and the Plan fiduciary will agree to an expense charge (determined at the inception of the Contract) payable to Deutsche Bank with respect to the Buy & Hold Synthetic GIC that will be stated as an annual fee equal to a fixed percentage of the balance of the Book Value Account and will accrue on a daily compound basis. This charge will cover four elements: (a) A benefit risk charge, (b) a maturity risk charge, (c) an expense charge, and (d) a profit charge. The benefit risk charge is a fee for assuming the risk of loss associated with participant-initiated benefit payments and transfers. It will be developed on a Plan-specific basis after a review of the Plan's benefit payment cashflow history and the structure of the Plan itself (i.e., the frequency at which withdrawals and investment transfers are permitted, and the structure of alternate investment opportunities). The maturity risk charge will be based on a review of the volatility of, and the guidelines for investment of, the Fixed Portfolio. The expense and profit charges will be assessed based on the expected expenses related to the arrangement and the payment to Deutsche Bank of a reasonable profit. Such negotiated charge would remain in effect throughout the term of the Contract.

Based on its review of competitive practices, Deutsche Bank represents that the aggregate charges with respect to the Buy & Hold Synthetic GICs offered by Deutsche Bank are, and are expected to continue to be, comparable to the charges made by other Buy & Hold Synthetic GIC providers.

26. In summary, it is represented that the subject transactions will satisfy the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The decision to enter into a Buy & Hold Synthetic GIC will be made on behalf of a Plan, in writing, by a fiduciary of the Plan which is independent of Deutsche Bank.

(b) Each Plan or commingled entity investing in a Buy & Hold Synthetic GIC will have at least $50 million in assets.

(c) Prior to and subsequent to the execution of a Buy & Hold Synthetic GIC, the Plan fiduciary, and if applicable, Plan participants, will receive full and detailed written disclosures of all material features of the Contract, including a description of all applicable fees and charges as well as ongoing disclosures with respect to such investment.

(d) As to each Plan, the combined total of all fees and charges under the Buy & Hold Synthetic GIC will not be in excess of ''reasonable compensation'' within the meaning of section 408(b)(2) of the Act.

(e) Each Buy & Hold Synthetic GIC will specifically provide an objective method for determining the fair market value of the securities owned by the Plan pursuant to such GIC.

---

[9] It is expected that, as of the maturity date of the Contract, there will be only a *de minimus* difference between the value of the Fixed Portfolio and the balance of the Book Value Account. However, during the term of the Contract, parity between Book Value and fair market value may not exist. For example, if a participant-initiated benefit payment or transfer occurs and such payment or transfer is made from cash realized on the sale of a portion of the Fixed Portfolio, the value of the Fixed Portfolio remaining after such sale and the Book Value Account after the reduction for the amount of such benefit payment may be quite different depending on the relationship of the Book Value of the portion of the Fixed Portfolio sold and the market value.

[10] In this regard, Deutsche Bank represents that it uses a standard, commercial definition of the term ''impaired security'' which is also used by many other issuers of synthetic GICs. Although this definition will appear in the template agreement provided by Deutsche Bank to a prospective customer for review, the specific definition of ''impaired security,'' will be subject to negotiation by Deutsche Bank and the Plan fiduciary before the Contract is executed.

The standard definition of an ''impaired security'' is as follows: An ''impaired security'' means (a) a security with respect to which an event has occurred or exists which, under one or more agreements or instruments relating to such security, has resulted in the principal of, and/or interest on, such security becoming due and payable before any such amount would otherwise have been due or payable other than as a result of a call or other prepayment of a security made in accordance with its terms that does not constitute a default under such security; (b) a security with respect to which the issuer has failed to make one or more payments of principal or interest when due (giving effect to any applicable grace period); or (c) a security (1) with respect to which the specified rate of interest is not paid or distributed when due, (2) with respect to which interest is accruing on a principal balance that is less than the difference between the original par or face amount of such security and the amount of principal previously paid on such security, or (3) where the rate of interest thereon has been reset other than pursuant to the original terms thereof.

(f) Deutsche Bank will maintain, for a period of six years from the date of each Buy & Hold Synthetic GIC transaction, in a manner for audit and examination, books and records of all transactions which will be subject to annual audit by certified, public accountants selected by and responsible solely to the Plan.

Notice to Interested Persons

The applicant represents that because those potentially interested participants and beneficiaries cannot all be identified, the only practical means of notifying such participants and beneficiaries of this proposed exemption is by publication in the **Federal Register**. Therefore, comments and requests for a hearing must be received by the Department not later than 30 days from the date of publication of this notice of proposed exemption in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ms. Jan D. Broady of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Cullen Incorporated Profit Sharing Plan and Trust (the Profit Sharing Plan), Cullen Incorporated Employees Defined Contribution Pension Plan and Trust (the Money Purchase Plan) (Collectively the Plans) Located in Fredericksburg, Virginia

[Exemption Application No. D–10823 and D–10824]

Proposed Exemption

The Department of Labor (the Department) is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990).[11] If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the past sale (the Sale) by the Plan of property located in Fredericksburg, Virginia (the Property) to Robert C. O'Neill (Mr. O'Neill), the trustee of the Plans, President and sole shareholder of the Plan Sponsor, and a party in interest with respect to the Plans, provided that the following conditions are satisfied: (a) the Sale was a one time transaction for a lump sum cash payment; (b) the purchase price was the fair market value of the Property as of the date of the Sale; (c) the Property has been appraised by a qualified, independent real estate appraiser; and (d) the Plans paid no commissions or other expenses relating to the Sale.

EFFECTIVE DATE OF EXEMPTION: The effective date of this exemption is November 6, 1998.

Summary of Facts and Representations

1. The applicant is Robert C. O'Neill (Mr. O'Neill). Mr. O'Neill is the trustee for the Plans. He is also the President and sole shareholder of Cullen Incorporated (Cullen Inc.), the Plans' sponsor. As of October 8, 1999, there were 14 participants in each Plan.

2. The Applicant understands that at the time of consummation of the Sale, the approximate fair market value of the total assets of the Profit Sharing Plan and Money Purchase Plan were $348,139 and $557,948, respectively and that approximately 11% and 12%, respectively, of the total assets for the 1997 Plan year were involved in the subject transaction.

The applicant represents that at the time of the Sale, Mr. O'Neill was the Plans' trustee. Cullen Inc., was the Plans' sponsor and a party in interest with respect to the Plans. Cullen Inc. is a property management company which manages various properties owned by the Cullen Land Corporation (Cullen Land).

3. The applicant states that the Property was owned by the Plans at the time of the Sale. The Property consisted of a building (the Kayo Building), a 850 square foot cinder block structure on 8,809 square feet located at 530 Princess Anne Street, Fredericksburg, Virginia 22401.

The applicant represents that on March 21, 1989 the Cullen Trust Limited Partnership, a Virginia Limited Partnership, was formed to purchase the Property from an unrelated third party. Cullen Land was the General Partner and the Plans were Limited Partners. The applicant further represents that the Property was purchased for $103,384 by the Plans on September 1, 1991. The Profit Sharing Plan was a 39.5% limited partner with a capital contribution of $38,933 and the Money Purchase Plan, a 59.5% limited partner with a capital contribution of $63,391. Cullen Land owned a 1% interest with a capital contribution of $1060.

The applicant represents that the Property was purchased to diversify the portfolios of the Plans. The site of the Property is one block from the terminus of the Virginia Railway Express, the commuter rail service to the Washington, D.C. area. The applicant states that it was anticipated that the commuter rail would have a major impact on property values.

In addition, the applicant represents that the Property was leased to various unrelated third party commercial tenants from 1989 to 1998. Cullen Inc. leased and managed the Property and received no commissions or fees.

4. The Applicant represents that the motivation for the Plans' 1998 Sale of the Property to Mr. O'Neill was solely to benefit Plans' interests. The Plans owned the Property for about ten years. The applicant states that by 1997 and 1998 the annual rental income[12] from leasing the Kayo building to third parties did not produce the annual return commensurate with other alternative investments and the forecast for appreciation in the value of the Property was not adequate to justify its continued retention.[13]

In addition, the applicant represents that the Property would have required improvements at considerable cost to the Plans to increase returns. Accordingly, the applicant represents that it would not have been prudent to have the Plans take on debt, invest additional capital in the Property, and subsequently find a tenant.

5. The applicant represents that the services of Lawrence J. Gorman (Mr. Gorman) of Retirement Plan Services, Inc., located in Fredericksburg, Virginia, were retained to provide administrative services to the Plans. In addition, the applicant states that Mr. Gorman was a pension trust officer with the National Bank of Fredericksburg, in Fredericksburg, Virginia. Thereafter, the applicant represents, Mr. Gorman established his own pension administration business in the Fredericksburg area and the Plans transferred their business to Mr. Gorman's company.

The applicant represents that Mr. Gorman prepared the Plans' tax returns and Department of Labor reports since

[11] Section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978, 5 U.S.C. App. 1 [1995]) generally transferred the authority of the Secretary of the Treasury to issue exemptions under section 4975(c)(2) of the Code to the Secretary of Labor.

In the discussion of the exemption, references to section 406 and 408 of the Act should be read to refer as well to the corresponding provisions of section 4975 of the Code.

[12] In this regard, the applicant represents that from 1989 to 1998 the gross rent was $48,877 and the total expenses incurred to be $30,281. Accordingly, the Plans' total return on this investment amounted to approximately $18,596.

[13] The Department expresses no opinion as to whether the acquisition and holding of the Property by the Plans met the requirements of section 404 of the Act.

1989. The applicant further represents that he relied on the advice and counsel of Mr. Gorman prior to engaging in the Sale of the Property. The applicant states that Mr. Gorman was kept abreast of all developments relating to the transaction. The applicant further states that Mr. Gorman advised that the transaction as executed would be acceptable under applicable law as long as it would be documented by a qualified real estate appraiser that the price was at its fair market value.

6. The applicant retained the services of Mr. William R. Johnson (Mr. Johnson), MAI, an accredited appraiser with the Johnson Real Estate Services, Inc., located in Fredericksburg, Virginia. Mr. Johnson appraised the Property on April 25, 1998. Mr. Johnson represented that he is a certified general real estate appraiser, and represented that he and his firm were independent of the parties involved. After analyzing the Property, Mr. Johnson concluded that the fair market value of the Property, the ''as is'' market value of the fee simple interest in the Property, was $125,000. In reaching this conclusion as to the value of the Property, Mr. Johnson used the sales comparison approach. Last, Mr. Johnson indicated in his report that the exposure time for this value is about 10 months and the estimated marketing time to be between 9 and 12 months.

7. The applicant represents that on November 6, 1998, he purchased the limited partnership interests from the Plans for $125,000, the value of the Property as appraised by Mr. Johnson within the exposure time of 10 months.

Mr. O'Neill allocated $49,874 to the Profit Sharing Plan for its interest and $75,126 to the Money Purchase Plan for its interest. Mr. O'Neill determined to convert the Property into an office building for Cullen Inc. The cost of the conversion was $245,000. The applicant represents that Cullen Inc. currently leases the Property.

8. The applicant represents that in late 1998, Cullen Inc. learned that Mr. Gorman had sold his business and his company and left the area. O'Neill secured the services of Phipps, Buckholder, located in Fredericksburg, Virginia, to provide administrative services and tax return preparation for the Plans. Phipps, Buckholder discovered the prohibited transaction during the review of the records of the Plans. Shortly thereafter, the applicant voluntarily sought advice from counsel and accordingly, filed this exemption application with the Department.

9. The applicants represent that the exemption would be administratively feasible in that unwinding the transaction would likely cause losses to the Plans. It is in the interest of the Plans' participants and beneficiaries because the Plans' assets are now more liquid and investments can be more diversified. It is protective of their rights because the parties to the transaction obtained an independent appraisal prior to consummating the transaction and the purchase price of the Property was equal to its fair market value.

10. In summary, the Applicant represents that the requested retroactive individual exemption will satisfy the criteria of section 408(a) of the Act for the following reasons: (a) the Sale was a one time transaction for a lump sum cash payment; (b) the Plans received the fair market value of the Property at the time of the transaction; (c) the fair market value of the Property was determined by an independent, qualified real estate appraiser; and (d) the Plans paid no commissions or other expenses relating to the Sale.

FOR FURTHER INFORMATION CONTACT: J. Martin Jara of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete and accurately describe all material terms of the transaction which is the subject of the exemption. In the case of continuing exemption transactions, if any of the material facts or representations described in the application change after the exemption is granted, the exemption will cease to apply as of the date of such change. In the event of any such change, application for a new exemption may be made to the Department.

Signed at Washington, DC, this 25th day of January, 2000.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, Department of Labor.

[FR Doc. 00–2122 Filed 1–31–00; 8:45 am]

BILLING CODE 4510–29–U

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 2000–01; Exemption Application No. D–10755, et al.]

Grant of Individual Exemptions; South Central New York District Council of Carpenters Pension Fund (the Fund), et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and

representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

South Central New York District Council of Carpenters Pension Fund (the Fund) Located in Johnson City, New York

[Prohibited Transaction Exemption 2000–01; Exemption Application No. D–10755]

Exemption

The restrictions of sections 406(a), 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: the sale (the Sale) of improved real property (the Property) to the Fund by the Local 281 Carpenters Property Corporation (the Corporation), a party in interest with respect to the Fund, provided the following conditions are met:

(a) The terms and conditions of the Sale are at least as favorable to the Fund as those obtainable in an arm's length transaction with an unrelated party;

(b) The Fund purchases the Property for cash from the Corporation for the lesser of $250,000 or the fair market value of the Property as of the date of the Sale;

(c) the Sale is monitored and approved by an independent fiduciary acting on behalf of the Fund;

(d) The Sale is a one-time transaction for cash; and

(e) The Fund pays no fees or commissions in connection with the Sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on December 17, 1999 at 64 FR 70740.

Written Comments

The Department received one comment from interested persons (the commentator) regarding the notice of proposed exemption (the Notice).

With respect to the comment received by the Department from the commentator, the letter expressed total opposition to the proposed transaction. The letter further stated that ''the money was meant to be for pension purposes * * *''and that the commentator ''will lose by this deal.'' The commentator lastly remarked that the ''money could grow through [other] investments.

The applicant had the Fund's independent fiduciary, Mr. John P. Jeanneret, Ph.D. (Mr. Jeanneret) respond to the commentator * * *'' In this regard, Mr. Jeanneret stated that the purchase of the Property constitutes a prudent investment and that the Fund will obtain the Property at a favorable price, which is 16% less than the equalized value of the property's tax assessment and equivalent to the fair market value of the property as if it was vacant land and ready for redevelopment. In addition, Mr. Jeanneret stated that the proposed transaction is an appropriate investment for the following reasons: it represents less than 1% of the Fund's assets, it would relieve the Fund of the continued obligation to pay rent, and it would provide additional income for the Fund in the form of rent from the Property's other tenants. Mr. Jeanneret, lastly, reminded the commentator that ''the Fund is a defined benefit plan that must provide promised retirement benefits to its participants, regardless of investment downturns or depressed real estate values.'' Mr. Jeanneret continued by stating that given the ratio of plan assets this investment represents, 1%, ''the impact of an investment downturn or depressed real estate value * * *'' would not affect the security of * * *'' guaranteed pension benefits.''

The Department believes that the Fund's purchase of the Property is consistent with the Fund's investment objectives, in the interests of the participants, and is protective of the Fund and its participants. Accordingly, based on the entire record, the Department has determined to grant the exemption as proposed.

FOR FURTHER INFORMATION CONTACT: J. Martin Jara of the Department, telephone (202) 219–8883 (this is not a toll free number).

S & S Partnership, Inc. Profit Sharing Plan (the Plan) Located in Stony Brook, New York

[Prohibited Transaction Exemption 2000–02; Exemption Application No. D–10807]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the loan (the Loan) totaling $200,000 by the Plan to Hiramco Realty Corporation (Hiramco), a disqualified person with respect to the Plan, provided that the following conditions are met:

(a) The terms of Loan by the Plan are at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party;

(b) the Loan does not exceed 20% of the assets of the Plan, throughout the duration of the Loan;

(c) the Loan is secured by a first mortgage on certain real property (the Property) which has been appraised by a qualified independent appraiser to have a fair market value not less than 150% of the principal amount of the Loan;

(d) the fair market value of the collateral remains at least equal to 150% of the outstanding principal balance plus accrued but not unpaid interest, throughout the duration of the Loan;

(e) Mr. Steven C. Fuchs and his wife, Margaret Fuchs (the Fuchs) are the only Plan participants to be affected by the Loan transaction; [1] and

(f) should any employee of the S & S Partnership, Inc., the Plan Sponsor, become eligible for plan participation, the new plan participant will be enrolled in another qualified retirement plan or Hiramco may elect to pay the entire balance on the Loan.

[1] Since the Fuchs are the sole owners of the Plan sponsor and the only participants in the Plan, there is no jurisdiction under Title I of the Act pursuant to 29 CFR 2510.3–3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to notice of proposed exemption published on December 17, 1999 at 64 FR 70742.

For Further Information Contact: J. Martin Jara of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Les Olson Company, Inc. Money Purchase Plan (M/P Plan) and Les Olson Company, Inc. Profit Sharing Plan (P/S Plan, collectively; the Plans) Located in Salt Lake City, Utah

[Prohibited Transaction Exemption 2000–03; Exemption Application Nos. D–10810 and D–10811]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed series of loans (the Loans), originated within a five-year period, by the Plans to Les Olson Company, Inc. (the Employer), a party in interest with respect to the Plans, provided that the following conditions are met:

(1) The total amount of the outstanding Loans does not exceed 20 percent (20%) of the Plans' total assets at any time during the transactions and each of the Plan's allocable portion of such Loans does not exceed 20 percent (20%) of such Plan's total assets;

(2) Each Loan entered into by the Plans is made pursuant to the terms and conditions of the Loan Agreement (the Loan Agreement) executed by the parties and signed on behalf of the Plans by the Plans' duly appointed independent, qualified fiduciary (the Independent Fiduciary);

(3) All terms and conditions of the Loans are at least as favorable to the Plans as those the Plans could obtain in an arms-length transaction with an unrelated third party;

(4) Each Loan is: (i) For a maximum term of five years pursuant to terms and conditions of the Loan Agreement; (ii) fully amortized and payable in equal monthly installments of principal and interest; (iii) used exclusively by the Employer to purchase office equipment (the Equipment) which will be leased by the Employer in the ordinary course of its business to unrelated parties; and (iv) secured by duly perfected security interests in the new and used Equipment, and by certain leases of Equipment (Equipment Leases) where such Equipment Leases are assigned and pledged as collateral for the Loans, which is at all times equal to 200% of the outstanding principal balance of such Loan;

(5) New Equipment is valued for collateralization purposes at 80 percent (80%) of the invoice price paid by the Employer to purchase such Equipment less taxes and transportation expenses. Used Equipment and any Equipment Lease pledged as collateral for the Loans is valued by an independent qualified appraiser;

(6) Prior to the approval of each Loan, the Independent Fiduciary determines, on behalf of the Plans, that each Loan is prudent and in the best interests of the Plans, and protective of the Plans and its participants and beneficiaries;

(7) The Independent Fiduciary conducts a review of all terms and conditions of this exemption, and the Loans, including the applicable interest rate; the sufficiency of the collateral pledged for each Loan; the financial condition of the Employer; and the compliance with the 20% limitation for the Plans (and each Plan's) maximum total Loan amount prior to approving each disbursement under the Loan Agreement; and

(8) The Independent Fiduciary is authorized to take whatever action is necessary to protect the Plans' interests throughout the duration of the exemption, and throughout the duration of any Loan entered into under this exemption.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on November 24, 1999 at 64 FR 66208.

Temporary Nature of Exemption

The exemption will be temporary and will expire five (5) years from the date of publication in the **Federal Register** of this notice granting the exemption. Subsequent to the expiration of the exemption, the Plans may hold any Loans originating during this five-year period until the Loans are repaid or otherwise terminated.

FOR FURTHER INFORMATION CONTACT: Ekaterina A. Uzlyan of the Department at (202) 219–8883 (This is not a toll-free number).

TMI Systems Design Corporation 401(k) Profit Sharing Plan (the Plan) Located in Dickinson, North Dakota

[Prohibited Transaction Exemption 2000–04; Exemption Application No. D–10821]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale by the Plan of certain limited partnership interests (the Interests) to Northern Capital Trust Company (Northern), the Plan's trustee and a party in interest with respect to the Plan, for $185,316 in cash, provided the following conditions are satisfied: a) the sale is a one-time transaction for cash; b) no commissions are charged in connection with the transaction; c) the Plan receives not less than the fair market value of the Interests at the time of the transaction; and d) the fair market value of the Interests is determined by a qualified entity independent of the Plan and of Northern.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on November 24, 1999 at 64 FR 66210.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and (3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application are true and complete and

accurately describe all material terms of the transaction which is the subject of the exemption. In the case of continuing exemption transactions, if any of the material facts or representations described in the application change after the exemption is granted, the exemption will cease to apply as of the date of such change. In the event of any such change, application for a new exemption may be made to the Department.

Signed at Washington, D.C., this 25th day of January, 2000.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 00–2123 Filed 1–31–00; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 00–014]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Astronomical Search for Origins and Planetary Systems (ORIGINS); Subcommittee Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee, ORIGINS Subcommittee.

DATES: Tuesday, February 15, 2000, 8 a.m. to 5 p.m.; Wednesday, February 16, 2000, 8 a.m. to 5 p.m.; Thursday, February 17, 2000, 8 a.m. to 2 p.m.

ADDRESSES: Ames Research Center, Building 240, room 202, Moffett Field, California 94035–1000.

FOR FURTHER INFORMATION CONTACT: Dr. Anne L. Kinney, Code S, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0362.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—Update of Office of Space Science
—Update on Origins
—Present Science Content
—Astrobiology (The Institute and the Program)
—Hubble Space Telescope Status

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: January 24, 2000.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 00–2052 Filed 1–31–00; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting

TIME AND DATE: 2 p.m., Thursday, February 3, 2000.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED: 1. Proposed Rule: Part 702, NCUA's Rules and Regulations, Prompt Corrective Action—Definition of Complex Credit Union and Risk-Based Net Worth Standards.

2. Final Rule: Parts 702, 741 and 747, NCUA's Rules and Regulations, Prompt Corrective Action.

RECESS: 2:45 p.m.

TIME AND DATE: 3 p.m., Thursday, February 3, 2000.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1. Two (2) Administrative Actions under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (9)(B).

2. Administrative Action under Part 703 of NCUA's Rules and Regulations. Closed pursuant to exemptions (8), (9)(A)(ii) and (9)(B).

3. Two (2) Personnel Actions. Closed pursuant to exemptions (2), (5), (6), (7), and (9)(B).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Robert M. Fenner,

Acting Secretary of the Board.

[FR Doc. 00–2216 Filed 1–28–00; 11:39 am]

BILLING CODE 7535–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Leadership Initiatives Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Leadership Initiatives Advisory Panel (Visual Arts-Millennium Projects Section) to the National Council on the Arts will be held on February 22, 2000. The panel will meet from 2:00 to 2:30 p.m. via teleconference from room 726 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC, 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of May 12, 1999, these sessions will be closed to the public pursuant to subsection (c)(4),(6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines and Panel Operations, National Endowment for the Arts, Washington, DC, 20506, or call 202/682–5691.

Dated: January 21, 2000.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 00–2056 Filed 1–31–00; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m., Tuesday, February 8, 2000.

PLACE: NTSB Board Room, 5th Floor, 490 L'Enfant Plaza, SW, Washington, DC 20594.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: ''Presentation on the NTSB International Aviation Safety Program.''

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

Individuals requesting specific accommodation should contact Mrs.

Barbara Bush at (202) 314–6220 by Monday, February 7, 2000.

FOR MORE INFORMATION CONTACT: Rhonda Underwood (202) 314–6065.

Dated: January 28, 2000.

Rhonda Underwood,

Federal Register Liaison Officer.

[FR Doc. 00–2288 Filed 1–28–00; 3:06 p.m.]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

[NUREG–1718]

Standard Review Plan for the Review of an Application for a Mixed Oxide (MOX) Fuel Fabrication Facility; Notice of Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Availability.

SUMMARY: The Nuclear Regulatory Commission (NRC) issued a draft NUREG–1718 entitled ''Standard Review Plan for the Review of an Application for a Mixed Oxide (MOX) Fuel Fabrication Facility'' for review and comment.

DATES: Submit comments by March 13, 2000. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Mail written comments to: Chief, Rules and Directives Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Hand deliver comments to 11545 Rockville Pike, Rockville, Maryland 20852, between 7:30 am and 4:15 pm during Federal workdays.

Draft NUREG–1718 is available for inspection and copying for a fee at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, DC, and electronically from the ADAMS Public Library component on the NRC Web site, http://www.nrc.gov (the Electronic Reading Room).

A free single copy of draft NUREG–1718, to the extent of supply, may be requested by writing to the U.S. Nuclear Regulatory Commission, Distribution Services, Washington, DC 20555–0001. Draft NUREG–1718 is available on the World Wide Web at http://www.nrc.gov/NRC/NUREG/indexnum.html. Comments may be submitted by selecting the ''comments'' link on the main page for the draft NUREG.

FOR FURTHER INFORMATION CONTACT: For further information regarding draft NUREG–1718 contact Andrew Persinko, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6522.

SUPPLEMENTARY INFORMATION: The NRC anticipates reviewing applications for licensing a mixed oxide (MOX) fuel fabrication facility under 10 CFR Part 70. The MOX fuel fabrication facility is a plutonium processing and fuel fabrication plant. Specifically, 10 CFR Part 70 requires that applicants for plutonium facilities obtain the NRC's approval prior to initiating construction and the NRC must later confirm that the facility is constructed in accordance with the license application. As a result, the NRC expects to receive two separate submittals: (1) an application for construction approval and (2) a license application.

The NRC prepared draft NUREG–1718, ''Standard Review Plan for the Review of an Application for a Mixed Oxide (MOX) Fuel Fabrication Facility,'' as a MOX specific standard review plan (SRP). In addition to addressing facility specific hazards, draft NUREG–1718 provides the staff with review guidance for the application for construction approval and the license application. Additionally, the NRC is currently considering revisions to 10 CFR Part 70 and the associated SRP, draft NUREG–1520, ''Standard Review Plan for the Review of a License Application for a Fuel Cycle Facility,'' (see http://techconf.llnl.gov/cgi-bin/topics). To the extent appropriate, revisions to finalize draft NUREG–1718 will reflect NRC program changes to 10 CFR Part 70 and the accompanying SRP.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 12th day of January, 2000.

Michael F. Weber,

Director, Division of Fuel Cycle Safety and Safeguards, NMSS.

[FR Doc. 00–2057 Filed 1–31–00; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [65 FR 3986, January 25, 2000]

STATUS: Closed Meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: January 25, 2000.

CHANGE IN THE MEETING: Cancellation of Meeting.

The closed meeting scheduled for Tuesday, January 25, 2000 at 11:00 a.m., was cancelled.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

January 27, 2000.

Jonathan G. Katz,

Secretary.

[FR Doc. 00–2160 Filed 1–27–00; 4:19 p.m]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of January 31, 2000.

A closed meeting will be held on Thursday, February 3, 2000, at 11:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(A) and (10), permit consideration for the scheduled matters at the closed meeting.

Commissioner Carey, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matters of the closed meeting scheduled for Thursday, February 3, 2000, will be:

Institution of injunctive actions;

Institution and settlement of injunctive actions;

Institution of administrative proceedings of an enforcement nature; and

Institution and settlement of administration proceedings of an enforcement nature.

Commissioner Carey, as duty officer, determined that no earlier notice thereof was possible.

At times, changes in Commission priorities require alternations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: January 27, 2000.

Jonathan G. Katz,

Secretary.

[FR Doc. 00–2267 Filed 1–28–00; 2:39 p.m.]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42353; File No. SR–NASD–99–75]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to ECN/ATS Participation in the ITS/CAES System

January 20, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] notice is hereby given that on December 27, 1999, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') through its wholly owned subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq is proposing to amend Rules 5210, 5220 and 6320 of the Rules of the NASD, to permit ECNs and ATSs to register as market makers in listed securities through Nasdaq-provided quotation and trading facilities. Below is the text of the proposed rule change. Proposed new language is in italics.

* * * * *

Rule 5210. Definitions

(a) through (d)—No changes.

(e) The term ''ITS/CAES Market Maker shall mean a member of the Association that is registered as a market maker with the Association for the purposes of participation in ITS through CAES with respect to one or more ITS securities in which he is then actively registered. *The term ''ITS/CAES Market Maker'' shall also include a member of the Association that meets the definition of electronic communications of network (''ECN''), as defined in SEC Rule 11Ac–1–1(a)(8), or alternative trading system (''ATS''), subject to SEC Regulation ATS Rule 301(b), and has voluntarily chosen to register with Nasdaq and meets the terms of registration set forth in the Nasdaq-provided agreement linking ECNs and ATSs to the CAES system.* Registration as an ITS/CAES Market Maker is mandatory for all registered CQS market makers in securities eligible for inclusion in the ITS/CAES linkage.

* * * * *

Rule 5220. ITS/CAES Registration

In order to participate in ITS, a market maker *or ECN/ATS* must be registered with the Association as an ITS/CAES market maker in each security in which a market will be made in ITS. Such registration shall be conditioned on the ITS/CAES Market Maker's continuing compliance with the following requirements:

(a)–(g) No change.

(h) Election to participate in ITS/CAES through either automatic execution or order delivery. As a part of its contractual obligation required under subsection (i) below, Market Makers choosing order delivery status are required to satisfactorily demonstrate to Nasdaq the technical capacity to properly and timely respond to orders delivered through CAES.

(i) With respect to order delivery ITS/CAES Market Makers, execution of an addendum to the ITS/CAES Market Maker application agreement at least two business days prior to the requested date of operation.

* * * * *

Rule 6320. Registration as a CQS Market Maker

(a) No Change.

(b) An Association member, *including an operator of an ECN/ATS as defined in Rule 5210(e)*, seeking registration as a CQS market maker shall file an application with the Association. The application shall certify the member's good standing with the Association and shall demonstrate compliance with the net capital and other financial responsibility provisions of the Act. A member's registration as a CQS market maker shall become effective upon receipt by the member of notice of approval of registration by the Association.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Section A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq operates a trading system known as the Computer Assisted Execution System (''CAES''), which allows NASD member firms to direct orders in Consolidated Quotation System (''CQS'') securities to Market Makers for execution. Through CAES, NASD order-entry firms and Market Makers can participate in the ''Third Market'' [2] by entering market and limit orders in exchange-listed securities to be executed against other market makers quoting at the best bid or offer in those securities. CAES also serves as the NASD's interface with the Intermarket Trading System (''ITS'').[3]

The Third Market allows traditional market makers to actively make markets in a large number of New York Stock Exchange and American Stock Exchange listed stocks. While this market is currently utilized by many NASD member firms, Nasdaq believes that certain enhancements to CAES could provide more significant benefits to all NASD members. The enhancements

[1] 15 U.S.C. 78s(b)(1).

[2] Off-exchange trading of exchange-listed securities.

[3] ITS is a communication network designed to facilitate intermarket trading in exchange-listed securities by linking the NASD and the national securities exchanges. Operation of ITS is governed by a national market system plan known as the ''Plan for the Purpose of Creating and Operating an Intermarket Communications Linkage Pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934'' (''ITS Plan''). Under the current ITS Plan, NASD members participating as ITS market makers must confine their market making to ''Rule 19c–3 securities'' (*i.e.*, reported securities that were (1) not traded on a national securities exchange prior to April 26, 1979, or (2) traded on such an exchange on April 26, 1979, but which ceased to be traded on an exchange for any period of time thereafter. By Commission action on December 9, 1999, this limitation will be removed effective February 14, 2000. *See* Exchange Act Release No. 42212 (December 9, 1999), 64 FR 70297 (December 16, 1999).

would allow CAES market makers to compete more effectively with any and all markets operating today by providing the best possible executions for investors, therein contributing to a greater national market system.

Over the past three years, NASD members acting as ECNs in The Nasdaq Stock Market have provided increasingly more significant benefits to investors in Nasdaq securities. ECNs have helped to contribute to narrower spreads and have enhanced the ability for investors to control the prices at which they obtain executions. While these benefits have accrued to Nasdaq securities, ECNs have not traded in great measure in securities listed on traditional exchanges.

The reason for this is, in part, that NASD Rules currently do not clearly provide that ECNs can register as CQS and CAES market makers. In addition, CAES functionality currently permits only automatic executions in accessing the market maker's quotation. ECNs, which, to date, have functioned only within order delivery systems (*i.e.,* SelectNet for Nasdaq securities), have been reluctant to participate in CAES due to this system feature.

Nasdaq is now proposing to modify the CAES rules and system to allow ECN/ATSs to register as market makers in listed securities through CAES. Nasdaq believes that ECN/ATS participation in CAES would have a positive impact upon this market by significantly increasing order flow, thereby contributing to a more active and liquid market to the benefit of all CAES users, and, ultimately, to investors. Furthermore, Nasdaq is unable to discern any reason why ECN/ATSs should be denied the opportunity to participate in the Third Market on an equal basis with other NASD members who choose to register as ITS/CAES Market Makers.

Accordingly, Nasdaq proposes to allow ECN/ATSs to choose to be deemed ITS/CAES Market Makers by amending NASD Rules 5210(e), 5220 and 6320, thereby including ECN/ATSs within the definition of ''ITS/CAES Market Maker'' and ''CQS Market Maker,'' and requiring the execution of an ECN/ATS addendum to the ITS/CAES Market Maker application agreement. These changes would allow any ECN/ATS to compete on an equal basis with other Market Makers, yet also require such ECN/ATS to assume the additional obligations and restrictions imposed upon ITS/CAES Market Makers by the ITS Plan and NASD rules. An ECN/ATS that chooses to exercise this option of registration, consequently, would be required to post two-sided quotations, be firm for the price and size of those quotations, and participate in the CAES execution service on the same footing as other non-ECN/ATS ITS/CAES market makers.[4] This selection would also impose the additional compliance duties traditionally required of market makers participating in ITS/CAES, including, for example, the rules concerning pre-opening application, trade through, locked and crossed markets, and block transactions.[5] ECN/ATSs would assume the added responsibility for implementing any and all technological and programming modifications to their internal systems to demonstrate compliance with such requirements.

In registering ECN/ATSs as ITS/CAES Market Makers, ECN/ATS CAES Market Makers will be required to operate on terms that are the same as traditional CAES Market Makers. In particular, within the ITS/CAES market, there will be an absolute prohibition against quote access fees. Because ECN/ATSs would be registered as market makers, the Commission's interpretation of its firm quote rule which prohibits quote access fees by market makers would apply to ECN/ATS market makers as it does with traditional ITS/CAES market makers.[6] This prohibition will eliminate the inequitable position that currently exists within the Nasdaq market in which ECN/ATSs, unlike market makers, are permitted to charge quote access fees.[7] Furthermore, Nasdaq believes that, due to the CAES interface with ITS, the implementation of quote access fees would be entirely infeasible within CAES and would negatively affect the terms of the ITS plan.

In addition, as discussed above, modifications must be made to the operation of the CAES system itself to technologically accommodate ECN/ATS participation. In the current CAES environment, all orders are executed against market makers through an automatic execution process. That is, the system delivers a report of a completed execution at the market maker's quoted price and size when another CAES market participant or ITS Exchange chooses to access that market maker's quote. In an effort to conform to the stated necessity of ECN/ATSs wherein they would be unable to participate within the current automatic execution environment, Nasdaq would modify CAES to facilitate order delivery interaction for any ITS/CAES Market Maker that chooses to operate in an order delivery mode as long as the firm automates its response to the delivered orders. The change would make it clear that either an ECN/ATS or non-ECN/ATS Market Maker could receive the delivery of an order (as opposed to an execution report), and immediately accept or decline that delivery by automated means.[8] A decline would be permissible only if it were consistent with the SEC's and NASD's firm quote rules.

Nasdaq contends that this modification will allow market makers to operate effectively and rapidly in fast moving markets. Indeed, in comparing the proposed CAES order delivery system with the ITS configuration, Nasdaq anticipates CAES order delivery market makers to be capable of responding to CAES and ITS orders in approximately 2–5 seconds.[9]

Further, Nasdaq believes the CAES order delivery system to be entirely consistent with the ITS Plan, in that the ITS/CAES market will continue to require automated responses to all ITS commitments sent by other exchange participants to the Third Market. In fact, the only variation between the current and proposed CAES interface to ITS is that, in certain situations, the automated

[4] With respect to the two-sided quotation obligation, ECN/ATS CAES Market Makers will be permitted to auto-quote in 100 share lots away from the national best bid and offer to the extent that a particular ECN or ATS does not have a customer order to represent. If an ECN/ATS CAES Market Maker quotation is accessed because such quotation becomes the national best bid or offer or is subject to another rule requiring its execution, the ECN/ATS CAES Market Maker will be required to assume a proprietary position in that security.

[5] NASD Rules 5240, 5262, 5263, and 5264, respectively.

[6] Specifically, the Commission has stated in response to a request for ''no action relief'' that SEC Rule 11Ac1–1(c)(2) (''SEC Firm Quote Rule'') does not permit a market maker posting a quote to impose a fee on market participants that customarily trade with the market maker at its quote without a markup. *See* letter from Robert L.D. Colby, Deputy Director, SEC Division of Market Regulation, to M. Joseph Messina, Vice President, M.H. Meyerson & Co., Inc., dated May 5, 1998. ECN/ATSs, though not classified within the Nasdaq market as market makers (NASD Rule 4623), will be classified as market makers within the ITS/CAES market.

[7] *See, e.g.,* letter from Richard R. Lindsey, Director, SEC Division of Market Regulation, to Charles R. Hood, Senior Vice President and General Counsel, Instinet Corporation, dated January 17, 1997, granting ''no action relief'' for ECNs that impose quote access fees upon non-customer broker-dealers.

[8] If order delivery is selected, the ITS/CAES market maker (ECN or non-ECN) would be required to demonstrate to Nasdaq its ability to conform to system specifications which would mandate an automated and immediate acceptance or rejection, consistent with SEC and NASD firm quote obligations.

[9] The ITS Plan does not have any requirement related to response times. In fact, in ITS, when one participant forwards a commitment to another, the commitment has a life of one minute or two minutes. The responding market is not required by system or rule to respond to that message, except in so far s the firm quote rule requires a response.

response to the ITS commitment will incorporate an automated response by the CAES participant to CAES, followed, in succession, by an automated response from CAES to ITS. This fully automated response procedure, as with all others contained in this proposal, will be in compliance with every aspect of the ITS Plan.

2. *Statutory Basis*

Nasdaq believes that the proposed rule change is consistent with the provisions of Sections 11A(a)(1)(C), 11A(a)(1)(D), 11A(a)(2) and 15A(b)(c) of the Act. Section 11A(a)(1)(C) provides that it is in the public interest and appropriate for the protection of investors and the maintenance of air and orderly markets to assure: (1) Economically efficient execution of securities transactions; (2) fair competition among brokers and dealers; (3) the availability to brokers, dealers and investors of information with respect to quotations and transactions in securities; (4) the practicability of brokers executing investors' orders in the best market; and (5) an opportunity for investors' orders to be executed without the participation of a dealer. Section 11A(a)(1)(D) states that the linking of all markets for qualified securitis through communications and data processing facilities will foster efficiency, enhance competition, increase the information available to brokers, dealers and investors, facilitate the offsetting of investor's orders and contribute to best execution of such order. Section 11A(a)(2) directs the Commission to facilitate the establishment of a national market system for qualified securities. Section 15A(b)(6) requires that the rules of a registered national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Nasdaq believes that the proposed rule specifically promotes the objectives of these sections of the Act by encouraging participation in the National Market System for listed securities and providing fair and unburdened access for all NASD members, to the ultimate benefit of member firms and public customers alike.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve the proposed rule change, or

(B) institute proceedings to determine where the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. In particular, commenters are invited to address whether ATSs (in addition to ECNs) should be included in the proposal. The Commission also notes that the proposed rule change will have an effect on the operation of the ITS pre-opening application. Generally, under ITS rules, an exchange specialist is required to accept those pre-opening responses sent to the exchange by market makers from other participant markets prior to the opening of their markets for trading in the security. If, however, one or more market makers from other participant markets have already opened trading in a security, the exchange specialist is not required to (but may in his discretion) accept preopening responses from that other participant market for the purpose of including them in the opening transaction.[10] Because a pre-opening response from the ITS/CAES Third Market is sent in aggregate form—that is, pre-opening third market buy and sell interest from all third market makers is sent as one response, it is possible that an ECN/ATS CAES Market Maker trading a security before the opening will trigger the exception to the requirement that the exchange specialist accept a pre-opening response from the third market. The Commission requests that interested persons provide written comment on this aspect of the proposal.

Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, located at the above address. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–99–75 and should be submitted by February 22, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–2117 Filed 1–31–00; 8:45 am]

BILLING CODE 8010–01–M

[10] The same procedure applies for re-openings following trading halts. *See* Exhibit A of the ITS Plan, ''Pre-Opening Application Rule,'' Sec. (b)(iii)(B).

[11] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 3209]

Amendment to Culturally Significant Objects Imported for Exhibition; Determinations: ''Ancient Faces: Mummy Portraits from Roman Egypt''

DEPARTMENT: United States Department of State.

ACTION: Notice.

SUMMARY: On January 7, 2000, Public Notice 3196 was published at page 1219 of the **Federal Register** (65 FR 1219) by the United States Department of State pursuant to Pub. L. 89–259 relating to the exhibit ''Ancient Faces: Mummy Portraits from Roman Egypt.'' I hereby determine that an additional work of art

to be included in the exhibit and imported from abroad for the temporary exhibition without profit within the United States is of cultural significance. I also determine that the temporary exhibition of this work of art as part of the exhibit at The Metropolitan Museum of Art, New York City, from on or about February 14, to on or about May 7, 2000, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U. S. Department of State (telephone: 202–619–6981). The address is U.S. Department of State, SA–44, 301—4th Street, SW, Room 700, Washington, DC 20547–0001.

Dated: January 24, 2000.

William B. Bader,

Assistant Secretary For Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 00–2119 Filed 1–31–00; 8:45 am]

BILLING CODE 4710–08–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of the Change in Meeting Date of the Industry Functional Advisory Committee on Electronic Commerce (IFAC–4)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of Change in Meeting Date.

SUMMARY: A notice was published in the **Federal Register** dated January 14, 2000, Volume number 65, FR DOC. 98.00–984, page 2453–2454, announcing a meeting of the Industry Functional Advisory Committee on Electronic Commerce (IFAC–4) scheduled for February 3, 2000, from 9 a.m. to 3 p.m. The meeting was to be opened to the public from 9 a.m. to 12 noon and closed to the public from 12 noon to 3 p.m. However, due to scheduling conflicts the meeting has been rescheduled for February 4, 2000, from 8 a.m. to 5 p.m. The meeting will be opened to the public from 8 a.m. to 3 p.m. and closed to the public from 3 p.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Ladan Manteghi, Office of the United States Trade Representative, (202) 395–6120.

Pate Felts,

Assistant U.S. Trade Representative.

[FR Doc. 00–2059 Filed 1–31–00; 8:45 am]

BILLING CODE 3190–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Identification of Priority Foreign Country Practices and Foreign Countries Engaging in Discriminatory Procurement Practices; Request for Public Comment

AGENCY: Office of the United States Trade Representative.

ACTION: Request for written submissions from the public.

SUMMARY: Executive Order 13116 of March 31, 1999 requires the United States Trade Representative (USTR) to conduct a review by April 30, 2000, of U.S. trade expansion priorities and to identify priority foreign country practices, the elimination of which is likely to have the most significant potential to increase United States exports; and to identify foreign countries engaging in discriminatory government procurement practices. USTR is requesting written submissions from the public concerning practices that should be considered by the USTR for these purposes.

DATES: Submissions must be received by 12 noon on February 25, 2000.

ADDRESSES: Office of the U.S. Trade Representative, 600 17th Street, NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Questions concerning the filing of submissions should be directed to Sybia Harrison, Staff Assistant to Section 301 Committee, (202) 395–3432; legal questions regarding Executive Order 13116 and Super 301 should be addressed to Demetrios Marantis, Assistant General Counsel, (202) 395–9626; and legal questions regarding Title VII should be addressed to Stephen Kho, Assistant General Counsel, (202) 395–3581.

SUPPLEMENTARY INFORMATION: Pursuant to Part I of Executive Order 13116 of March 31, 1999 (64 FR 1633), the USTR is required, no later than April 30, to review United States trade expansion priorities and identify priority foreign country practices, the elimination of which is likely to have the most significant potential to increase United States exports, either directly or through the establishment of a beneficial precedent. Part II of Executive Order 13116 requires the USTR, no later than April 30, to review and identify other countries' compliance with the Agreement on Government Procurement (GPA) and other government procurement agreement obligations, or otherwise maintain, in government procurement, a significant and persistent practice of discrimination against U.S. products or services which results in identifiable harm to United States businesses and whose products or services are acquired in significant amounts by the United States Government.

The USTR must submit to the congressional committees of jurisdiction a report on the priority foreign country practices identified under Part I of the Executive Order and a report on countries engaging in discriminatory government procurement practices, identified under Part II of the Executive Order and publish the reports in the **Federal Register**. The USTR also may describe in the report foreign country practices that may warrant identification in the future or that were not identified because they are being addressed by provisions under U.S. trade law, existing bilateral trade agreements, or in trade negotiations, and progress is being made toward their elimination.

Executive Order 13116 also requires the USTR to initiate investigations under section 302(b)(1) of the Trade Act of 1974 as amended (19 U.S.C. 2412 (b)(1)), no later than 90 days after submission of the reports, with respect to any of the identified practices that have not been satisfactorily resolved in the interim.

Requirements for Submissions

The USTR invites submissions on priority foreign country practices and countries engaging in discriminatory government procurement practices that should be considered for identification in accordance with the criteria established under Executive Order 13116. If the practice is also the subject of comments submitted in connection with the 2000 National Trade Estimate Report on Foreign Trade Barriers (2000 NTE Report), the present submission should identify the related comments in the NTE public docket and include any additional pertinent information, including information explaining why the practice rises to the level of a ''priority foreign country practice'' within the meaning of Executive Order 13116. If the practice was not the subject of comments submitted in connection with the 2000 NTE Report, the submission should: (1) Include information on the nature and significance of the practice; (2) identify the United States product, service, intellectual property right, or foreign direct investment matter which is affected by the practice; and (3) provide any other information considered relevant. Such information may include information on the relevant trade and

government procurement agreements to which a foreign country is a party, its compliance with those agreements, and any other information related to the factors set forth in Parts I and II of Executive Order 13116 for identification of priority foreign country practices and countries that engage in discriminatory government procurement practices.

Interested persons must provide twenty copies of any submission, in English, to Sybia Harrison, Staff Assistant to Section 301 Committee, Office of the United States Trade Representative, by noon on February 25, 2000. Because submissions will be placed in a public file, open to public inspection at USTR, business-confidential information should not be submitted. Inspection is only by appointment with the staff of the USTR Public Reading Room and can be arranged by calling Brenda Webb at (202) 395–6186. The Reading Room is open to the public from 9:30 a.m. to 12 noon, and from 1 p.m. to 4 p.m., Monday through Friday.

A. Jane Bradley,

Assistant U.S. Trade Representative for Monitoring and Enforcement.

[FR Doc. 00–2121 Filed 1–31–00; 8:45 am]

BILLING CODE 3190–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS–179]

WTO Dispute Settlement Proceeding Regarding U.S. Antidumping Duties on Stainless Steel Plate in Coils and Stainless Steel Sheet and Strip in Coils From Korea

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: Pursuant to section 127(b)(1) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)), the Office of the United States Trade Representative (USTR) is providing notice that the government of Korea has requested the establishment of a dispute settlement panel under the Marrakesh Agreement Establishing the World Trade Organization (WTO) to examine the imposition by the United States of antidumping duties on stainless steel plate in coils (SSPC) and on stainless steel sheet and strip in coils (SSSS) from Korea. Specifically, on March 31, 1999, the Department of Commerce made a final affirmative antidumping determination with respect to imports of SSPC from Korea. 64 FR 15444 (March 31, 1999). This determination resulted in issuance of an antidumping duty order on SSPC from Korea. 64 FR 27756 (May 21, 1999). Further, on June 8, 1999, the Department of Commerce made a final affirmative antidumping determination with respect to imports of SSPC from Korea. 64 FR 30664 (June 8, 1999). This determination resulted in issuance of an antidumping duty order on SSSS from Korea. 64 FR 30555 (July 27, 1999). These determinations raised identical methodological issues with respect to certain aspects of the calculation of the level of dumping by a Korean producer.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before March 1, 2000, to be assured of timely consideration by USTR in preparing its first written submission to the panel.

ADDRESSES: Comments may be submitted to Sandy McKinzy, Litigation Assistant, Office of Monitoring and Enforcement, Room 122 Attn: Korea Stainless Steel Dispute, Office of the U.S. Trade Representative, 600 17th Street, NW, Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Rhonda K. Schnare, Office of the General Counsel (202) 395–3582.

SUPPLEMENTARY INFORMATION: By letter dated October 14, 1999, the Government of Korea requested the establishment of a panel to examine the Department of Commerce's final affirmative determinations of dumping resulting in antidumping duty orders on SSPC and SSSS from Korea. At its meeting on November 19, 1999, the WTO Dispute Settlement Body (DSB) established such a panel. Under normal circumstances, the panel, which will hold its meetings in Geneva, Switzerland, would be expected to issue a report detailing its findings and recommendations within six to nine months after it is established.

Major Issues Raised by the Government of Korea and Legal Basis of Complaint

In its request for the establishment of a panel, the Government of Korea has identified as the measures at issue (1) the antidumping duty order concerning SSPC from Korea (64 FR 27756 (May 21, 1999)) and the underlying determination of sales at less than fair value; and (2) the antidumping duty order concerning SSPC from Korea (64 FR 30555 (July 27, 1999)) and the underlying determination of sales at less than fair value. The Government of Korea alleges that these measures are inconsistent with several provisions of the General Agreement on Tariffs and Trade 1994 (''GATT 1994'') and the Agreement on Implementation of Article VI of GATT 1994 (''Anti-Dumping Agreement''), including the following specific allegations:

- Commerce's decision to treat as a bad debt expense certain sales of SSPC and SSSS to a customer who subsequently went bankrupt was inconsistent with Article 2.4 of the Anti-Dumping Agreement because the lack of payment did not constitute a ''difference in the conditions and terms of sale,'' ''demonstrated to affect price comparability.'' Thus, Commerce failed to make a ''fair comparison'' as required by article 2.4 of the Anti-Dumping Agreement;
- Sales for which payment was not received cannot be regarded as sales ''in the ordinary course of trade'' and thus Commerce's inclusion of such sales in its calculation was inconsistent with Article 2.1 of the Anti-Dumping Agreement;
- Commerce's use of the Korean won amount paid for merchandise sold to customers in Korea, rather than the U.S. dollar amount shown on the invoice, and the subsequent conversion of the won amount into U.S. dollars, distorted the basis of the price comparison in a manner inconsistent with the ''fair comparison'' requirement under Article 2.4 of the Anti-Dumping Agreement;
- Commerce's division of the period of investigation into two sub-periods, and calculation of separate weighted-average normal values and export prices for each sub-period was inconsistent with the requirement of a single weighted-average normal value and export price under Article 2.4.2 of the Anti-Dumping Agreement, and thus failed to result in a ''fair comparison'' as required by Article 2.4 of the Anti-Dumping Agreement;
- Commerce's division of the period of investigation into two sub-periods in the final determination, which it had not done in the preliminary determination, resulted in a failure to disclose an ''essential fact'' as required by Article 6.9 of the Anti-Dumping Agreement, and depriving the parties of ''full'' and ''ample opportunity'' to defend their interests as required by Articles 6.1 and 6.2 of the Anti-Dumping Agreement;
- Commerce's division of the period of investigation into two sub-periods was done in response to a devaluation in the Korean won, whereas Article 2.4.1 of the Anti-Dumping Agreement only permits alteration of the calculation methodology in response to an appreciation of a foreign currency against the U.S. dollar, and thus failed to result in a ''fair comparison'' as

required by Article 2.4 of the Anti-Dumping Agreement;

• The determinations with respect to SSPC and SSSS are inconsistent with past Commerce practice and decisions of U.S. courts in various respects, and thus failed to result in a ''fair comparison'' as required by Article 2.4 of the Anti-Dumping Agreement;

• The determinations with respect to SSPC and SSSS failed to set forth ''in sufficient detail the findings and conclusions on all issues of fact and law'' and to provide ''all relevant information on the matters of fact and law and reasons which have led to the imposition of final measures'' as required by Articles 12.2 and 12.2.2 of the Anti-Dumping Agreement;

• For the above reasons, the measures are applied pursuant to investigations which were not conducted in accordance with the provisions of the Anti-Dumping Agreement as required by Article 1 of the Anti-Dumping Agreement and Article VI of the GATT 1994;

• For the above reasons, Commerce did not administer the antidumping laws in a ''uniform, impartial and reasonable manner,'' as required by Article X:3 of GATT 1994.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Comments must be in English and provided in fifteen copies to Sandy McKinzy at the address provided above. A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitting person. Confidential business information must be clearly marked ''BUSINESS CONFIDENTIAL'' in a contrasting color ink at the top of each page of each copy.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

(1) Must so designate that information or advice;

(2) Must clearly mark the material as ''SUBMITTED IN CONFIDENCE'' in a contrasting color ink at the top of each page of each copy; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20508. The public file will include a listing of any comments received by USTR from the public with respect to the proceeding; the U.S. submissions to the panel in the proceeding; the submissions, or non-confidential summaries of submissions, to the panel received from other participants in the dispute, as well as the report of the dispute settlement panel and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket WTO/DS 179 (''U.S.-Anti-Dumping Duties on Stainless Steel Plate in Coils and Stainless Steel Sheet and Strip in Coils from Korea'') may be made by calling Brenda Webb, (202) 395–6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

A. Jane Bradley,

Assistant U.S. Trade Representative for Monitoring and Enforcement.

[FR Doc. 00–2051 Filed 1–31–00; 8:45 am]

BILLING CODE 3190–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2000–6729; Notice 1]

Kolcraft Enterprises, Inc.; Receipt of Application for Decision of Inconsequential Noncompliance

Kolcraft Enterprises of Chicago, Illinois, has determined that 27,624 child restraint systems fail to comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 213, ''Child Restraint Systems,'' and has filed an appropriate report pursuant to 49 CFR Part 573, ''Defects and Noncompliance Reports.'' Kolcraft has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—''Motor Vehicle Safety'' on the basis that the noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgement concerning the merits of the petition.

FMVSS No. 213, S5.5.2(j) requires each child restraint system equipped with an anchorage strap to include the following statement on a permanent label:

> Secure the top anchorage strap provided with this child restraint as specified in the manufacturer's instructions.

Kolcraft has determined that certain child restraints it manufactured have been shipped without the label required by S5.5.2(j). The child restraints containing the noncompliance are Performa and Automate model convertible child restraints equipped with tether straps that were both manufactured and shipped before November 19, 1999. Kolcraft has shipped 27,484 Performas and 140 Automates with tether straps and without the statement required by the standard. When Kolcraft discovered the noncompliance, it stopped shipment until the restraints in inventory could be labeled with the required statement. Thus, some restraints that were manufactured before November 19, 1999 are in compliance because they were labeled before shipment at the plant.

Kolcraft supports its application for inconsequential noncompliance with the following:

Kolcraft inadvertently overlooked this provision when it was redesigning its restraints to include anchorage straps, because Kolcraft relied on the changes made in the March 5, 1999 final rule regarding tether anchorage straps to identify the changed performance requirements. Since S5.5.2(j) was already in the standard, and not changed by the March 5, 1999 final rule, the labeling requirement was overlooked by Kolcraft until a routine compliance verification test identified the missing language.

Kolcraft did, however, permanently label the tether anchorage strap itself on all of the affected restraints with language warning of the safety risk of improper installation. The label reads: ''Failure to properly adjust and secure tether to correctly installed tether anchor can result in serious injury or death. Only use with a vehicle tether anchor installed by dealer or factory.'' And, the instruction manual of each affected restraint includes full instructions for proper tether attachment.

Kolcraft believes that the noncompliance here should be found to be inconsequential because the safety goal of the labeling requirement has been satisfied by the language on the tether strap itself. Any person attempting to attach a tether strap to an anchorage will see the language emphasizing the need for proper installation, because the language is permanently labeled on the strap itself.

Kolcraft does not question the value of notifying consumers to check the instruction manual. Under these circumstances, however, where the substance of the notification requirement is achieved, located

on a place on the product where it is likely to be seen by the consumer, the noncompliance does not present a consequential risk to motor vehicle safety. Kolcraft respectfully requests that NHTSA grant its petition for exemption.

Interested persons are invited to submit written data, views, and arguments on the application of Kolcraft described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation Docket Management, Room PL–401, 400 Seventh Street, SW, Washington, DC 20590. It is requested, but not required, that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: March 2, 2000.

(49 U.S.C. 30118 and 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: January 27, 2000.

Stephen R. Kratzke,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 00–2129 Filed 1–31–00; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF VETERANS AFFAIRS

Means Test Thresholds

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As required by law, the Department of Veterans Affairs (VA) is hereby giving notice of cost-of-living adjustments (COLA) for means test income limitations. These adjustments are based on the rise in the Consumer Price Index (CPI) during the one-year period ending September 30, 1999.

DATES: These rates are effective January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Roscoe Butler, Chief Policy and Operations, Health Administration Service, (10C3), Veterans Health Administration, VA, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8302. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Title 38, United States Code (U.S.C.) § 1722(c), requires that on January 1 of each year, the Secretary increase the means test threshold amounts by the same percentage the maximum rates of pension benefits were increased under section 5312(a) during the preceding calendar year. Under the provisions of 38 U.S.C. section 5312 and section 306 of Public Law 95–588, VA is required to increase the benefit rates and income limitations in the pension and parents' indemnity compensation (DIC) program by the same percentage, and effective the same date, as increases in the benefit amount payable under Title II of the Social Security Act.

On October 25, 1999, for the period beginning December 1, 1999, the Social Security Administration announced in volume 64, Number 205 of the **Federal Register**, a 2.4 percent cost-of-living increase in Social Security Benefits under Title II of the Social Security Act. The Veteran Benefits Administration has indicated Pension benefits will be increased by a 2.4 percent cost-of-living increase effective December 1, 1999. Therefore, applying the same percentage and rounding up in accordance with 38 CFR 3.29, the following income limitations for the Means Test Thresholds will be effective January 1, 2000.

Table 1.—Means Test Thresholds

(1) Veterans with no dependents:
(a) Category A: $22,887
(b) Category C: $22,888
(2) Veterans with 1 dependent:
(a) Category A: $27,468
(b) Category C: $27,469
(3) Veterans with 2 dependents:
(a) Category A: $29,000
(b) Category C: $29,001
(4) Veterans with 3 dependents:
(a) Category A: $30,532
(b) Category C: $30,533
(5) Veterans with 4 dependents:
(a) Category A: $32,064
(b) Category C: $32,065
(6) Veterans with 5 dependents:
(a) Category A: $33,596
(b) Category C: $33,597
(7) Child Income Exclusion is: $7,200
(8) The Medicare deductible is $776
(9) Maximum annual Rate of Pension effective 12/1/1999 are:
(a) The base rate is $8,989
(b) The base rate with one dependent is $11,773
(c) Add $1,532 each additional dependent

Dated: January 20, 2000.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

[FR Doc. 00–2054 Filed 1–31–00; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 65, No. 21

Tuesday, February 1, 2000

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF DEFENSE

48 CFR Parts 203, 209, 225, and 249

[DFARS Case 99-DO13]

Defense Federal Acquisition Regulation Supplement; Debarment Investigation and Reports

Correction

In rule document 99-29984 beginning on page 62984 in the issue of Thursday, November 18, 1999, make the following corrections:

203.104-10 [Corrected]

1.On page 62984, in the third column, ''Violation'' should read, ''Violations''.

209.406-3 [Corrected]

2.On page 62985, in the second column, in Section 209.406-3(a)(ii)(F)*(4)*, ''claims'' should read,''Claims''.

206.406-3(b)(i)(B) [Corrected]

3.On the same page, in the third column, in Section 209.406-3(b)(i)(B), ''spending'' should read, ''suspending''.

209.407-3(d) [Corrected]

4.On page 62986, in the first column, under Section 209.407-3(d), in the first line, in the title heading ''official's s'' should read, ''official's''.

[FR Doc. C9–29984 Filed 1-31-00; 8:45 am]

BILLING CODE 5000-04-M

POSTAL SERVICE

39 CFR Part 111

Barcode Requirements for Special Services Labels

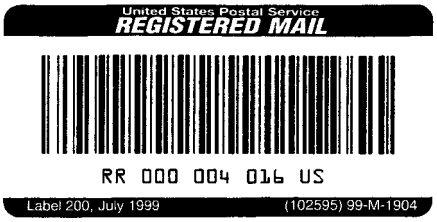
Correction

In rule document 00–1570 beginning on page 3609, in the issue of Monday, January 24, 2000, make the following correction:

PART 111 [CORRECTED]

On page 3610, in the third column, in section 3.4 of the Domestic Mail Manual (DMM), the illustration was inadvertently omitted. Exhibit 3.4, Label 200, is added below:

Exhibit 3.4 Label 200



[FR Doc. C0–1570 Filed 1–31–00; 8:45 am]

BILLING CODE 1505–01–D

Reader Aids

Federal Register

Vol. 65, No. 21

Tuesday, February 1, 2000

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids	**202–523–5227**
Laws	**523–5227**

Presidential Documents

Executive orders and proclamations	**523–5227**
The United States Government Manual	**523–5227**

Other Services

Electronic and on-line services (voice)	**523–4534**
Privacy Act Compilation	**523–3187**
Public Laws Update Service (numbers, dates, etc.)	**523–6641**
TTY for the deaf-and-hard-of-hearing	**523–5229**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications:

http://www.access.gpo.gov/nara

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access:

http://www.nara.gov/fedreg

E-mail

PENS (Public Law Electronic Notification Service) is an E-mail service for notification of recently enacted Public Laws. To subscribe, send E-mail to

listserv@www.gsa.gov

with the text message:

subscribe PUBLAWS-L your name

Use listserv@www.gsa.gov only to subscribe or unsubscribe to PENS. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to:

info@fedreg.nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, FEBRUARY

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT FEBRUARY 1, 2000

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Olives grown in—

California; published 1-31-00

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration

Medicare:

Part B initial claim determinations; telephone and electronic review requests; published 9-30-99

PENSION BENEFIT GUARANTY CORPORATION

Single-employer plans:

Allocation of assets—

Interest assumptions for valuing benefits; published 1-14-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; published 12-28-99

Bombardier; published 12-28-99

British Aerospace; published 12-28-99

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration

Pipeline safety:

Hazardous liquid transportation—

Breakout tanks; industry standards adoption; correction; published 2-1-00

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Avocados grown in—

Florida; comments due by 2-11-00; published 12-13-99

Melons grown in—

Texas; comments due by 2-9-00; published 1-10-00

Raisins produced from grapes grown in—

California; comments due by 2-8-00; published 12-10-99

COMMERCE DEPARTMENT

International Trade Administration

Watches, watch movements, and jewelry:

Duty-exemption allocations—

Virgin Islands, Guam, American Samoa, and Northern Mariana Islands; comments due by 2-7-00; published 1-6-00

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Pollock; comments due by 2-8-00; published 12-10-99

Atlantic highly migratory species—

Atlantic pelagic longline fishermen; time/area closures; hearings and Advisory Panel meetings; comments due by 2-11-00; published 12-28-99

Caribbean, Gulf, and South Atlantic fisheries—

Gulf of Mexico reef fish; comments due by 2-10-00; published 1-26-00

West Coast States and Western Pacific fisheries—

Western Pacific Region pelagic; comments due by 2-10-00; published 12-27-99

Marine mammals:

Incidental taking—

San Francisco-Oakland Bay Bridge, CA; pile installation demonstration project; comments due by 2-7-00; published 1-7-00

COMMODITY FUTURES TRADING COMMISSION

Commodity pool operators and commodity trading advisors:

Advisors that provide advice by means of various media; registration exemption; comments due by 2-7-00; published 12-7-99

ENERGY DEPARTMENT

Energy Efficiency and Renewable Energy Office

Consumer products; energy conservation program:

Central air conditioners and heat pumps; energy conservation standards; comments due by 2-7-00; published 11-24-99

ENVIRONMENTAL PROTECTION AGENCY

Air programs:

Stratospheric ozone protection—

Essential-use allowances; allocation; comments due by 2-7-00; published 1-6-00

Air quality implementation plans; approval and promulgation; various States:

Kansas; comments due by 2-10-00; published 1-11-00

Missouri; comments due by 2-11-00; published 1-12-00

Tennessee; comments due by 2-7-00; published 1-7-00

Hazardous waste:

Identification and listing—

Exclusions; comments due by 2-7-00; published 12-9-99

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Tebufenozide; comments due by 2-7-00; published 12-8-99

Solid wastes:

Municipal solid waste landfill permit programs; adequacy determinations—

Kansas, Missouri, and Nebraska; comments due by 2-11-00; published 1-12-00

Kansas, Missouri, and Nebraska; comments due by 2-11-00; published 1-12-00

Superfund program:

National oil and hazardous substances contingency plan—

National priorities list update; comments due by 2-7-00; published 1-7-00

National priorities list update; comments due by 2-7-00; published 1-7-00

Toxic chemical release reporting; community right-to-know—

Phosphoric acid; comments due by 2-7-00; published 12-7-99

FEDERAL COMMUNICATIONS COMMISSION

Radio stations; table of assignments:

Illinois; comments due by 2-7-00; published 1-21-00

Kansas; comments due by 2-7-00; published 1-21-00

Michigan; comments due by 2-7-00; published 12-30-99

New York; comments due by 2-7-00; published 1-4-00

Texas; comments due by 2-7-00; published 12-30-99

Satellite Home Viiewer Act; network nonduplication, syndicated exclusivity and sports blackout rules to satellite retransmissions; comments due by 2-7-00; published 2-2-00

Television broadcasting:

Class A television service; establishment; comments due by 2-10-00; published 1-20-00

Two way transmissions; mutlipoint distribution service and instructional television fixed service licenses participation; comments due by 2-10-00; published 1-26-00

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Human drugs and biological products:

Postmarketing studies; status reports; comments due by 2-9-00; published 12-1-99

HEALTH AND HUMAN SERVICES DEPARTMENT

Fellowships, internships, training:

National Institutes of Health Contraception and Infertility Research Loan Repayment Program; comments due by 2-8-00; published 12-10-99

HEALTH AND HUMAN SERVICES DEPARTMENT

Inspector General Office, Health and Human Services Department

Medicare and State health care programs:

Safe harbor provisions and special fraud alerts; intent to develop regulations; comments due by 2-8-00; published 12-10-99

LIST OF PUBLIC LAWS

Note: The List of Public Laws for the first session of the 106th Congress has been completed and will resume when bills are enacted into law during the second session of the 106th Congress, which convenes on January 24, 2000.

A Cumulative List of Public Laws for the first session of the 106th Congress will be published in the **Federal Register** on December 30, 1999.

Last List December 21, 1999.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—FEBRUARY 2000

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
February 1	February 16	March 2	March 17	April 3	May 1
February 2	February 17	March 3	March 20	April 3	May 2
February 3	February 18	March 6	March 20	April 3	May 3
February 4	February 22	March 6	March 20	April 4	May 4
February 7	February 22	March 8	March 23	April 7	May 8
February 8	February 23	March 9	March 24	April 10	May 8
February 9	February 24	March 10	March 27	April 10	May 9
February 10	February 25	March 13	March 27	April 10	May 10
February 11	February 28	March 13	March 27	April 11	May 11
February 14	February 29	March 15	March 30	April 14	May 15
February 15	March 1	March 16	March 31	April 17	May 15
February 16	March 2	March 17	April 3	April 17	May 16
February 17	March 3	March 20	April 3	April 17	May 17
February 18	March 6	March 20	April 3	April 18	May 18
February 22	March 8	March 23	April 7	April 24	May 22
February 23	March 9	March 24	April 10	April 24	May 23
February 24	March 10	March 27	April 10	April 24	May 24
February 25	March 13	March 27	April 10	April 25	May 25
February 28	March 14	March 29	April 13	April 28	May 30
February 29	March 15	March 30	April 14	May 1	May 30